

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**March 14, 2012**

The meeting was called to order at 4:04 p.m. by Chairman Brent Fuller at 3600 Constitution Boulevard, West Valley City, Utah

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

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

**ABSENT**

Harold Woodruff and Imaan Bilic

**WEST VALLEY CITY PLANNING DIVISION STAFF**

Steve Pastorik, Kevin Despain, Ron Weibel, Jody Knapp, and Nichole Camac

**AUDIENCE**

Approximately nineteen (19) people were in the audience

**ZONE TEXT CHANGE APPLICATION**

**ZT-1-2012**

**Staff has requested this item be continued indefinitely.**

**Applicant:**

West Valley City

**Discussion:** Staff has requested this item be continued until no date certain.

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

**Motion:** Commissioner Thomas moved for continuance until no date certain.

Commissioner Matheson seconded the motion.

**Roll call vote:**

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

**Unanimous–ZT-1-2012 –Continued**

**GENERAL PLAN/ ZONE CHANGE APPLICATION**

**GPZ-1-2012**

**Staff has requested this item be continued indefinitely.**

**Applicant:**

West Valley City

**Discussion:** Staff has requested this item be continued until no date certain.

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

**Motion:** Commissioner Thomas moved for continuance until no date certain.

Commissioner Conder seconded the motion.

**Roll call vote:**

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

**Unanimous–GPZ-1-2012 –Continued**

**GPZ-2-2012**

**Duaine Rasmussen**

**2801 South Daybury Drive**

**General Plan change to include high density residential and commercial in the mixed use designation for Highbury**

**Zone change from M, R-1-8 and RM to C-2, RM and R-1-4**

**29.3 Acres**

Duaine Rasmussen with Castlewood Development has submitted a General Plan/zone change application for 29.3 acres located at 2801 South Daybury Drive. The General Plan designation for this area is mixed use. The mixed use designation at this location includes low to medium density residential including senior housing, community uses such as open space and schools, assisted living and possible expanded office uses. The proposed General Plan change would include high density residential and commercial in the mixed use designation for this area.

The property is currently zoned a combination of M (manufacturing), R-1-8 (single family residential, minimum lot size 8,000 square feet) and RM (residential, multi-family). The proposed zoning is C-2 (general commercial), RM and R-1-4 (single family residential, minimum lot size 4,000 square feet). Surrounding zoning includes M to the north and a portion of the east, RM to the west, R-1-8 to the south and the remaining east portion. Surrounding uses include vacant ground to the north and east, townhomes and apartments to the west and single family homes to the south.

**Development Proposal**

Mr. Rasmussen has submitted a letter to support his application as well as several drawings that illustrate his proposal. These documents are attached to this report. Below is a list of the attachments and a description of each:

- Land Use Master Plan – This plan highlights the areas proposed for rezoning. While the applicant has discussed retail, restaurant, hospitality and assisted living uses for the C-2 areas and patio homes for the R-1-4 area, no specific commitments are proposed for these areas as part of this application.
- Concept Housing Master Plan – This plan shows the specific proposal for the RM area, which includes 3 story apartments and a 2 story senior apartment building. The second sheet of this plan provides the details on density and parking for the two housing types.
- Apartment Elevations – Three elevations are included for the apartments.

- Senior Apartment Building Elevations – Two elevations are included for the senior apartment building.
- Letter from Mr. Rassmussen – This letter outlines the reasons for this request and provides a list of proposed amenities and project details.

The table below summarizes the proposed project:

Proposed Zone	Area in Acres	Proposed Use
RM	10.78	Class A Apartments – 250 Units
RM	2.26	Senior Apartments – 56 Units
C-2 (north area)	3.38	Undefined
C-2 (south area)	4.20	Undefined
R-1-4	8.68	Undefined

### Issues

To staff, the two most important questions for this application are: 1) should the City allow additional high density residential in Highbury and 2) should the City rezone property to C-2 and R-1-4 without a specific proposal for these areas?

### High Density Residential Considerations

To answer the first question, it's helpful to understand some of the background on Highbury. The table below summarizes the various existing and future projects within Highbury that correspond with the attached map entitled Highbury Projects:

Project Name	Land Use	Acres	# of Units
The Shoppes at Lake Park (Kohl's, Michaels)	Commercial	30.4	N/A
Highbury Shoppes	Commercial	7.2	N/A
Highbury Centre (Target)	Commercial	40.6	N/A
Commercial Total		78.2	
Monticello Academy	Charter School	19.9*	N/A
Future Elementary School	Public School	10.0	N/A
Future Junior High School	Public School	29.1	N/A
Education Total		59.0	
Highbury Place	Single Family Homes	27.5	111
Townhomes at Highbury Commons	Townhomes	10.2	102
Highbury Towns	Townhomes	9.6	90
Arbor Square	Townhomes	4.7	64
Liberty Commons	Apartments	11.2	209
Future residential approved through a development agreement (see attached map entitled Plats B and C for more details)	Townhomes (69), Parkside Homes (89), Single Family (85)	51.0	243
Residential Total		114.2	819
Lake and waterways	Open Space	22.0**	N/A
Highbury Total		273.4	819

\*: Monticello Academy currently encompasses 6.2 acres. 13.7 acres is anticipated for

future expansion.

\*\* : This does not include open space provided within individual residential projects.

As shown in the table above, there are several different housing types within Highbury. If approved, this development would add to new housing types – senior apartments and Class A apartments. Additional background on Lake Park and Highbury is addressed in the attached memo from Terry Roylance with Suburban Land Reserve (SLR).

As part of the Mountain View Corridor project, UTA has committed to build bus rapid transit (BRT) in dedicated lanes along 5600 West between 6200 South and 2700 South. The route of BRT past 2700 South will likely run through Highbury and Lake Park to Bangerter Highway and then to downtown Salt Lake. Depending on funding availability, the BRT project could be completed in 2015. Additional high density residential in Highbury would support this planned transit investment.

Mr. Rasmussen first approached staff a few months ago with a concept plan that showed 320 apartments on 12.85 acres in one project. No senior apartments were included. Staff recommended that the number of apartments be reduced and that a transition or buffer be provided on the south end from the single family neighborhood to the southeast. The concept submitted with this application is the response to staff's suggestions.

In staff's opinion, the quality of the proposed project should be a consideration when deciding whether or not to approve additional high density residential in Highbury. With the exception of the recently approved ICO apartments in Fairbourne Station, the proposed apartments will be the highest quality apartments in the City given the amenities and finishes.

If this application is approved, staff recommends that it be accompanied by a development agreement. In addition to the letter from Mr. Rasmussen that outlines the commitments on amenities and project details, he also emailed to staff the following additional details on the apartments and senior apartments:

- Apartments
  - The project will have no income restrictions and is totally market driven.
  - An entry feature will be included.
  - There will be coordinated but varied color schemes on the exterior of the units.
  - All units will have built-in microwave ovens.
  - All units will have garbage disposals.
  - All units will have high speed internet capacity.
  - The interiors will include 2 tone paint.
- Senior Apartments
  - This portion of the project will be age restricted to 55 and over.
  - Washers and dryers will be provided in all units.
  - The business center will include computers.
  - A wellness center with medical staff will be available.

In addition to the commitments made by the applicant, staff recommends the following

additional standards for the development agreement:

- Each unit shall have at least one covered parking space within a garage or under a carport.
- If fencing is desired along Lake Park Blvd. or Highbury Parkway, it shall be a three rail, vinyl fence similar to the fence for Arbor Square and Liberty Commons along the west side of Daybury Drive.
- This project shall comply with the requirements of the TDR ordinance unless the ordinance is repealed.
- The maximum number of units shall be limited to 56 senior apartments and 230 apartments. This reduction in the number of apartments would remove one building and allow for a larger central open space.

C-2 and R-1-4 Zoning without a Development Proposal

On the second question raised above, staff supports rezoning the north 3.38 acre area to C-2 without a specific development proposal because this area is currently zoned M and C-2 zoning would be more appropriate given the General Plan designation. However, for the south 4.2 acre area proposed as C-2 and the R-1-4 area, staff recommends keeping the zoning as is until we have a specific development proposal.

During the Planning Commission study session, several questions came up about the lake and waterways, the existing bus service and traffic. On the lake and waterways, the City owns the lake and waterways and the Highbury Master Owner Association owns and maintains the property immediately surrounding the lake and waterways, which includes the trails and benches. These amenities are intended for use by Highbury residents. Hence, parking was not provided by the lake. On existing bus service, there are two UTA routes that serve Highbury – 513 and F556. Maps for these routes are included with this report. The questions on traffic will be addressed at the public hearing.

**Staff Alternatives:**

1. Approval of the General Plan change and approval of the zone change to RM and C-2 for the northern 3.38 acres only subject to a development agreement. The southern 4.2 acres proposed as C-2 and the R-1-4 area should not be changed. The development agreement shall include the commitments made by the applicant as well as the recommended standards from staff.
2. Continuance, for reasons determined during the public hearing.
3. Denial, the General Plan and zoning map should remain unchanged.

**Applicant:**

Duaine Rasmussen  
6740 S 1300 E

**Applicant:**

Terry Roylance  
5 Triad Center

**Applicant:**

John Gust

**Discussion:** Steve Pastorik presented the application. Terri Mills asked why the northern portion of the proposed development is still zoned manufacturing. Steve replied that this is leftover from the County and the surrounding area has been rezoned as development occurs.

Terry Roylance, representing SLR, presented a powerpoint presentation that reviewed the Lake Park development. He provided a timeline of various developments that have occurred in the area. Mr. Roylance indicated that Lake Park has a great deal of open space areas that include numerous trails, lakes, trees, and an extensive golf course. He stated that a lot of review went into the entire development to ensure quality commercial buildings and residences. Mr. Roylance indicated that there is a large amount of corporate space in the Lake Park area. He reviewed elements of Highbury including residential, schools, and retail uses. He provided details on the proposed elementary school and displayed elevations of existing and future retail buildings in the Highbury area. Jack Matheson asked why SLR entered into an agreement with the City regarding the waterway. Mr. Roylance replied that SLR will be reimbursed for cleaning and pumping water but stated that it is valuable to the City for storm-water drainage. Barbara Thomas asked why the concept of single family homes in this area has changed. Mr. Roylance replied that there was never any set plan for this section but preliminary ideas did include potential multi-family.

Duane Rasmussen, the applicant, stated that SLR demands quality in their products and this is planned to be a very high quality development. Commissioner Thomas asked if commercial set far back from a major arterial is successful. Mr. Rasmussen indicated that the north commercial piece is directly across from Target so that should do very well. He added that the southern commercial piece doesn't necessarily have to be retail but could be something such as an Assisted Living Center. Mr. Rasmussen discussed the proposed apartment units and senior housing building in detail. He stated that a major draw for the apartment units would be executive type person who possibly works in the Lake Park area. He indicated that this proposal exceeds the City's open space requirements. Mr. Rasmussen discussed elevations and materials for the buildings and provided a list of amenities. He indicated that the apartments will charge from \$850- \$1300 depending on whether the units are one, two, or three bedrooms. He stated that the majority of units will be two bedrooms and all units will include covered parking with the option of having a garage.

Jack Matheson asked if a study has been conducted on studio apartments. He indicated that studio's and one bedroom's are becoming more popular. Mr. Rasmussen replied that one bedroom units would be good for executives. He stated that two bedrooms are great for families or people living with roommates. Terri Mills asked what the square footage for the apartment units would be. Mr. Rasmussen replied that they will range from 750 (one bedrooms)-1300 (3 bedrooms) square feet. Commissioner Mills asked where a canoe or kayak could be stored if a resident wished to utilize the waterway. Mr. Rasmussen replied that residents would be allowed to store these in their garages as long as they are still able to park their car in them as well. Commissioner Mills commented that she feels residential would be nice adjacent to the lake. Mr. Rasmussen replied that he disagrees because he feels commercial makes more sense near busy streets. He stated that commercial being proposed where it is will benefit both the City and SLR.

Barbara Thomas asked why multi-family is better at this location than single family. Mr. Rasmussen replied that this is a triangle piece separated from everything else so it would make more sense to have higher density units. Brent Fuller asked if there is any history on this property. Steve replied that no policy decisions have been made in this area other than what is stated in the General Plan. Joe Garcia commented that the applicant should consider more 3 bedroom units because families grow and people are renting longer in today's economy. Mr. Rasmussen replied that these units are intended for a specific lifestyle that people choose. He indicated that 3 bedroom units are the first to empty when the market goes up. He stated that the percentages decided will bring a good mixture to the apartment complex.

John Gust stated that he is very fond of this property and still remembers spending time here as a child. He stated that the apartment complexes will provide higher density in Highbury which he feels is the final piece that has been left out. He stated that a person will be able to spend their lifetime in the same area by starting in an apartment, moving into a home, and ending at a senior apartment.

Barbara Thomas asked if the areas surrounding the proposed project are medium density. Steve explained and indicated on a map where various densities are located and broke down the acreage for each area.

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

**Motion:** Commissioner Matheson moved for approval of the General Plan change and approval of the zone change to RM and C-2 for the northern 3.38 acres only subject to a development agreement. The southern 4.2 acres proposed as C-2 and the R-1-4 area should not be changed. The development agreement shall include the commitments made by the applicant as well as the recommended standards from staff.

Commissioner Conder seconded the motion.

**Roll call vote:**

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

**Majority-GPZ-2-2012 –Approved**



## **ZONE CHANGE APPLICATIONS**

### **Z-1-2012**

**Lifestyle Homes of Utah, LLC**

**3790 South 3600 West**

**A to R-1-8**

**0.73 acres**

John Aguirre with Lifestyle Homes of Utah, LLC has requested a zone change for a 0.73 acre parcel at 3790 South 3600 West from A (agriculture, minimum lot size of ½ acre) to R-1-8 (single family residential, minimum lot size 8,000 square feet). Surrounding zones include R-1-8 to the east and west, C-2 (general commercial) to the south and A to the north. Surrounding land uses include an auto repair business to the south and single family homes on all other sides. The subject property is designated as low density residential, which allows 3 to 4 units/acre, in the West Valley City General Plan.

### **Development Proposal**

The attached drawing shows the planned lot configuration. The subject property originally included Parcel B; however, this property was recently sold to the adjoining owner to the east of Parcel B. The applicant has already split the subject 0.73 acres into two parcels (Parcels A and C on the drawing). He is working on submitting a lot split application to the City to make the split legal. Before the City will approve the lot split, a zone change is needed. The existing home, which was built in 1913, will remain on Parcel A. Parcel C will be for a new home.

### **Development Agreement**

A development agreement is required for this project. Section 7-14-105 (3)(1)(x) of the West Valley City Zoning Ordinance states: “All new subdivisions involving a rezone of property, or a PUD, shall participate in a development agreement that addresses housing size, quality, exterior finish materials, streetscapes, landscaping, etc. The standards outlined in Section 7-14-105 (3)(1)(iii) shall be used as a minimum in all development agreements to address housing quality and exterior finish materials. These standards may be increased for a PUD. As part of a development agreement, if homes are permitted with less than 1,600 square feet of finished floor space, the quality of the home and the amount of masonry exterior finish materials shall be increased. For the entire subdivision, the average shall be at least 1,600 square feet.”

The applicant has submitted two different home plans, which are attached, that are being considered for this site.

### **Staff Alternatives:**

- Approval, subject to a development agreement requiring a minimum house size of 1,600 square feet and design features that meet the City’s point system.
- Continuance, for other reasons determined at the public hearing.

**Applicant:**

Lifestyle Homes of Utah, LLC'  
Not Present

**Discussion:** Steve Pastorik presented the application. The Planning Commission had no further questions or concerns.

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

**Motion:** Commissioner Thomas moved for approval subject to a development agreement requiring a minimum house size of 1,600 square feet and design features that meet the City's point system .

Commissioner Garcia seconded the motion.

**Roll call vote:**

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

**Unanimous –Z-1-2012 –Approved**

**Z-2-2012**

**Brad and Jeril Winget  
6224 West 3500 South  
A to R-1-8  
1.25 acres**

Brad and Jeril Winget have requested a zone change for a 1.25 acre parcel at 6224 West 3500 South from A (agriculture, minimum lot size of ½ acre) to R-1-8 (single family residential, minimum lot size 8,000 square feet). Surrounding zones include R-1-8 to the south, A to the east and west and R-1-10 (single family residential, minimum lot size 10,000 square feet) to the north. (general commercial) to the south and A to the north. The property is surrounded by single family homes. The subject property is designated as medium density residential, which anticipates 7 to 12 units/acre, in the West Valley City General Plan.

**Development Proposal**

The applicants have submitted a concept plan, which is attached, that shows the subject property being subdivided into four lots. The southern lot would front onto 3500 South and the northern 3 lots would be considered flag lots with access from a shared private driveway. The existing home, built in 1980, would remain. If this rezone application is

approved, the applicants will need to submit a minor subdivision application. One of the considerations for the potential subdivision is the need for additional right-of-way dedication along 3500 South since the existing right-of-way width is 80' and the planned right-of-way width in the major street plan is 115'.

### **Development Agreement**

A development agreement is required for this project. Section 7-14-105 (3)(1)(x) of the West Valley City Zoning Ordinance states: "All new subdivisions involving a rezone of property, or a PUD, shall participate in a development agreement that addresses housing size, quality, exterior finish materials, streetscapes, landscaping, etc. The standards outlined in Section 7-14-105 (3)(1)(iii) shall be used as a minimum in all development agreements to address housing quality and exterior finish materials. These standards may be increased for a PUD. As part of a development agreement, if homes are permitted with less than 1,600 square feet of finished floor space, the quality of the home and the amount of masonry exterior finish materials shall be increased. For the entire subdivision, the average shall be at least 1,600 square feet."

For the development agreement, the applicants have agreed to essentially follow the standards outlined in the ordinance.

### **Staff Alternatives:**

- Approval, subject to a development agreement requiring a minimum house size of 1,600 square feet and design features that meet the City's point system.
  
- Continuance, for other reasons determined at the public hearing.

### **Applicant:**

Brad Winget

**Discussion:** Steve Pastorik presented the application. Jack Matheson asked if this item will come back to the Planning Commission as a PUD or Minor Subdivision. Steve replied that it will be a Minor Subdivision. Commissioner Matheson asked if this would require a public street. Steve replied no and indicated that flag lots can be done as Minor Subdivisions.

Brad Winget, the applicant, stated that complete renovations are being completed on the existing home to ensure marketability is up to standard. He stated that his goal is to bring similar homes to the vacant lots which he believes will be a much better use of land since this area hasn't been too well taken care of. Barbara Thomas asked if the applicant has talked to the landowner to the east. Mr. Winget replied yes and stated that he has also talked to Perry Homes to the west but hasn't made any deals. Commissioner Thomas asked if the applicant would incorporate to the east if possible. Mr. Winget replied yes. Steve Pastorik added that the property to the East doesn't appear to be owned by anyone in the area. Commissioner Matheson asked if the applicant has spoken with Granger Hunter about water services. Mr. Winget replied that he has been in contact and he will

be able to get everything worked out. Terri Mills stated that the parcel furthest to the south is small and very close to 3500 South. She stated that the current home was very nice at one time and the new property lines would restrict the quality of life for those homeowners as well as the owners on the smaller parcel. She added that there are some well grown trees that she would recommend trying to save. Mr. Winget replied that it is expensive to improve lots and this configuration allows much more flexibility. He added that he does intend to keep the existing trees.

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

**Motion:** Commissioner Conder moved for approval subject to a development agreement requiring a minimum house size of 1,600 square feet and design features that meet the City's point system.

Commissioner Thomas seconded the motion.

**Roll call vote:**

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

**Unanimous–Z-2-2012 –Approved**

**CONDITIONAL USE APPLICATIONS**

**C-7-2012**

**Century Dental West (Alexander Aarabi)**

**4445 W 3500 S**

**C-2 Zone**

Dental Office West is requesting conditional use approval to allow a larger multi-tenant monument sign as per the criteria for bonus sign area. The site was recently redeveloped as a dental office. The site is zoned C-2, general commercial. The zoning to the east and west of the property is C-2. Across the street to the north, the zoning is R-1-8. The zoning to the south is RM. The site is bordered by a Papa John's Pizza to the east, other commercial uses to the west, the Post Office and West Valley City Animal Shelter across the street to the north, and a church to the south. The general plan calls for Mixed Use.

The standard requirements for a multi-tenant monument sign include a 7 foot height maximum, 60 square feet maximum of sign area, a one foot minimum masonry base, a 7 foot setback from the property line, and the sign to be located within a landscaped area.

As per 11-4-111 of the sign ordinance, a business can apply for additional height and sign area if certain criteria are met. During the redevelopment process, the business was required to remove the existing pole sign. The applicant would like to request a larger monument sign as per the bonus sign area requirements.

- 10 additional square feet of sign area and one additional foot of height can be allowed if a pole sign is removed and is replaced with a monument sign. The applicant qualifies for this criterion.
- 10 additional square feet of sign area and one additional foot of height can be allowed if the sign is installed in a landscaped area four times the area of the sign. This would include 50% live plant material within the landscaped area. The applicant will need to indicate in a site plan that this criterion will be met.

The sign setback shall be equal to the height of the sign. As per 11-4-117, the sign setback shall be measured from the future right-of-way line according to the Major Street Plan. This portion of 3500 South is anticipated to be widened to the extent that the sign would not be able to meet the setback. The applicant or property owner will have to sign a recorded delay agreement with the City Council for voluntary relocation at their expense when the road is widened.

**Staff Alternatives:**

**Approval** of the sign as per requested, subject to the resolutions of any concerns raised at the public hearing as well as the following conditions:

1. The maximum height for the sign shall be 9 feet and the maximum sign area shall be 80 square feet. All other requirements of the sign ordinance shall be met.
2. The sign shall be located in a landscaped area at least four times the area of the sign or 320 square feet and landscaped with at least 50% live plant material as per approved landscape plan.
3. The base of the sign shall match the masonry material on the building.
4. The sign shall be set back 9 feet or a distance equal to the sign's height from the future right-of-way unless the applicant signs a recorded delay agreement with the City as per 11-4-117 allowing the setback to be from the current property line.

**Continuance** for reasons determined at the hearing or to allow time for the applicant to submit an alternative sign design.

**Applicant:**

Alexander Arabi  
3601 S 2700 W

**Discussion:** Kevin Despain presented the application. Barbara Thomas asked if a landscaping plan has been received. Kevin replied no. Brent Fuller asked when 3500 South will be widened at this location. Kevin replied that it would depend on financing but it could be 10-20 years. He indicated that there is no way to anticipate that. Chairman Fuller asked if all the landscaping will be on the south side of the sidewalk. Kevin replied yes.

Alexander Arabi, the applicant, stated that he has been practicing dentistry for over 20 years. He stated that he has remodeled the entire building and removed a very large pole sign. He stated that he will ensure his sign meets all the City's requirements. Mr. Arabi indicated that the landscaping will consist of small rocks and flowers. Barbara Thomas asked if the sign will block the building. Mr. Arabi replied no and indicated that it will be west toward the side of the building. Terri Mills stated that the building is beautiful and expressed concern that a large sign might distract from the great remodeling work Mr. Arabi has conducted. Mr. Arabi replied that it will not block the building at all and it's important for him to have the sign in order to begin operating and generating money. Commissioner Mills agreed that a sign is necessary but stated that it might be more pleasing to have a shorter sign. Mr. Arabi replied that he is allowed the bonus by ordinance. He added that it will be the smallest sign in the area and stated that he will ensure it is attractive for his benefit and for the City's, Jack Matheson stated that the building is difficult to see due to the Papa John's next door and the large telephone pole directly in front of the building as well. Joe Garcia stated that this is a large sign and he wished it could be smaller but he does believe it's important, adds value, and looks good.

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

**Motion:** Commissioner Matheson moved for approval subject to the 4 staff conditions and adding condition number 5 to state that a landscaping plan shall be submitted and reviewed at a Planning Commission Study Session.

Commissioner Thomas seconded the motion.

**Roll call vote:**

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

**Unanimous-C-7-2012 -Approved**

**C-8-2012**  
**West Valley Metal Recycling**  
**2220 Clifford Street**  
**M Zone (1.2 Acres)**

The applicant, Prisma Pimental, is requesting a conditional use for a dismantling and recycling business at 2220 Clifford Street. The zoning for this area is M, Manufacturing. The West Valley City General Plan anticipates Light Manufacturing uses for this area. The surrounding zones are M and the uses consist mainly of auto salvage, outside storage and tow yards with vacant land to the north.

The property was originally approved for auto dismantling and salvage under Bozo's Auto Wrecking (C-13-1991). There is an existing block building on site (3,686 square feet) that will be used for an office and shop space. The remainder of the yard space will be used for the following:

- Storage and sorting of materials for such as tires, wheels and various metals for recycling.
- Holding area for vehicles waiting for demolition permits from the State.
- Torch area for metal cutting (gravel surface)
- Dismantling area (including removing fluids, motors, tires and wheels)
- Scale constructed to weigh materials with a small adjacent metal storage building to house the scale equipment.
- Waste fluid and battery containment area

Access can be gained to this site on the east side via unimproved Clifford Street (5650 West). There are six (6) existing parking spaces available on this frontage located adjacent to the building that were approved per the original Conditional Use. These parking spaces fulfill the minimum parking requirement for the size and use of the building on site with the following breakdown:

- 2 spaces for Office (1/250)
- 2 spaces for Manufacturing (1/500)
- 2 spaces for Warehouse (1/1000)

The parking requirement for open storage uses is one (1) space for every 5,000 square feet excluding access, landscaping, etc. (7-9-104). Therefore, an additional three (3) spaces would be required for the yard. There is also access on the west side of the site via Lester Street, which is a fully improved roadway, however, the customer access to this side of the site will be limited to vehicles utilizing the scale or employee access only. Customers will not be allowed to park on the Lester side of the site and move freely throughout the yard. Customers will only be allowed to walk along the office area of the site. The remaining areas will be secured by fencing for safety purposes. Therefore, customer parking has not been proposed along Lester Street and the applicant feels that six (6) spaces are adequate for this use. Any additional parking provided for employees, shop vehicles and equipment or vehicles used for hauling is proposed to be located inside

of the yard in designated areas as indicated on the submitted plans. The right-of-way shall also not be used for parking, storage, loading/unloading of materials at any time. Any right-of-way or roadway improvement requirements shall be resolved and coordinated with the WVC Public Works Department.

The surfacing materials currently vary throughout the site. A site survey was conducted showing there is a mixture of gravel, asphalt, concrete and dirt. All areas must be hard surfaced in concrete or asphalt excluding areas provided for landscaping as well as and a small torch area, per the approved plans, which may be surfaced in gravel. All areas shall be improved and drain appropriately per the requirements set forth by West Valley City Public Works Department.

The site is currently not connected to any water or sewer lines. Sanitary sewer is now available to this site and the applicant must connect to this system. All improvements regarding these facilities shall be coordinated with the WVC Building Inspection Department and Magna Water.

There currently is very minimal landscaping on site. The applicant shall provide the required 20' landscaped area along both frontages (Lester and Clifford). There shall be no storage of materials or parking in the landscape areas. However, the existing parking on the east side adjacent to the building, may remain, but a landscaped area must be provided adjacent to the access to delineate the end of the parking stalls (north side of the stalls), as well as adjacent to the building (west side of the stalls) as indicated on the survey drawings.

There is existing fencing on site. The fencing along all frontages along a public street must be removed and relocated to the back of the landscape setback area and shall be a solid fence, 8' tall and constructed of a consistent material. Fencing between the yards may also be provided however, it is not required to be solid and shall be no more than 8'tall.

The grading and drainage plans, as well as the fluid disposal plan and Hazardous Materials Permit shall be reviewed and approved by the WVC Fire Department and the WVC Public Works Department.

There is existing signage on the site that does not comply with the West Valley City Sign Ordinance and must be removed. Any new signage must comply with all requirements set forth in Title 11 of the West Valley City Sign Code and a Building Permit must be obtained prior to installation. Currently the applicant has indicated that they will provide the required signage per the Utah DMV (Yard Identification and Number on perimeter fence) and there will also be wall signage. No other signage information has been provided at this time.

**Staff Alternatives:**

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



1. A complete site plan package must be approved, that is professionally drawn to scale and accurately shows the location of all of the improvements and uses on site.
2. The site shall comply with all standards set forth in Chapter 7-29 of the West Valley City Municipal Code. A permanent primary building already exists on site, however, any additional buildings that may be proposed in the future, must be approved by the Planning Commission prior to issuance of a Building Permit.
3. There shall be at least 6 parking spaces provided along the east side of the site.
4. Any additional parking provided for employees, shop vehicles and equipment or vehicles used for hauling, etc., must be in a designated area located on site, and can not be located within the right-of-way. The right-of-way shall also not be used for storage or loading/unloading of materials at any time.
5. All areas not provided for landscaping shall be hard surfaced with asphalt or concrete. However, a small gravel area may be provided for torching and shall be clearly delineated on the approved plans.
6. The site must be connected to the sanitary sewer system.
7. A 20' landscaped area must be provided along both street frontages. This area shall be bermed and include at least 50% live plant material. The existing parking along Clifford on the east side of the building may remain, however landscaping must be provided adjacent to the building and the access per the approved plans.
8. An 8' solid fence shall be provided along Lester and Clifford Street. This fence shall be setback at least 20', outside of the landscape setback. The fence shall be constructed and painted with a consistent material and color. Interior fencing may be provided and is not required to be solid but may be no more than 8' tall.
9. All signage shall comply with the West Valley City Sign Ordinance. All existing signage in violation shall be removed. Signs required by the State DMV shall be permitted provided that they are reviewed and approved prior to installation with the appropriate Building Permit or Planning and Zoning review process.
10. The business shall be in compliance with all of the requirements set forth by the West Valley City Public Works, Building Inspection, Fire, Code Enforcement and Planning and Zoning Departments and have written approval from each department prior to conducting any business and obtaining a Business License.
11. This use is subject to review upon a valid complaint.

**Continuance**, to allow for the resolutions of any issues raised at the public hearing or to allow adequate time for the applicant to submit professionally prepared drawings that include all the necessary required improvements.

**Applicant:**

Oscar Pena  
2240 Clifford Street

**Discussion:** Jody Knapp presented the application. Jack Matheson asked if a chain-link fence with slats is considered to be a solid fence. Jody replied yes because someone would not be able to see through it. She added that the applicant is planning to do a metal fence which is allowed in this area. Terri Mills asked what the probability is that the site plan will be modified enough to affect the operation of the business as laid out by the applicant. Jody replied that parking will not be impacted too much. She explained that everything in this type of business is shifted around frequently so the landscaping requirement shouldn't hinder the operation of the site.

Oscar Pena, the applicant, stated that he is concerned with landscaping near the location of his scale. He stated that in order for trucks to maneuver appropriately they may need more space than what the 20 foot landscaping buffer will allow. Jody replied that the only option to vary this requirement would be to get a variance from the Board of Adjustment as opposed to a staff or Planning Commission decision. Mr. Pena stated that his business does contract work and is also open to the general public as well. He stated that he would like to make the site as attractive as possible but doesn't have the money to complete all the improvements unless he is able to begin operating. He stated that he would like to phase the requirements to allow money to start coming in so that he can afford to fix the site. Jody replied that since this is a new application, the business cannot operate without completing the requirements listed by ordinance. She stated that the applicant would still be allowed to operate on areas that are already hard surfaced. Phil Conder asked if the drive for the trucks leading to the scale can be hard-surfaced instead of the whole area. Jody replied that this would be up to Public Works. Mr. Pena stated that he is required to hook up to the sanitary system prior to hard-surfacing.

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

**Motion:** Commissioner Conder moved for approval subject to the 11 staff conditions.

Commissioner Thomas seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Garcia	No

Commissioner Matheson	Yes
Commissioner Mills	No
Commissioner Thomas	Yes
Chairman Fuller	Yes

**Majority–C-8-2012 –Approved**

**C-9-2012**

**R & D Lake Park**

**Approx. 2927 S. 5600 W.**

**C-2 Zone 1.8 Acres**

The applicant is requesting conditional use approval for a multi-tenant restaurant and retail building at approximately 2927 S. 5600 W. on lots 2 and 3 of The Shoppes at Lake Park Phase 2. The property is zoned general commercial (C-2) and is in the 5600 West Overlay Zone. The West Valley City General Plan designates this area as General Commercial. The surrounding properties are zoned C-2.

The overall Shoppes at Lake Park Phase 2 received Planning Commission approval on March 22, 2006 and one of the conditions of approval was that all pad sites come back to the Planning Commission for individual approval. This particular site is on the last vacant land fronting on 5600 West in The Shoppes at Lake Park development. The proposed retail building is 10,368 square feet and the restaurant building is 5,700 square feet.

Based on these square footages and the types of uses, approximately 110 parking spaces would be required to meet the parking ordinance standards. The exact number required would depend on the number of employees in the restaurant on the highest employment shift. However, they have provided 130 spaces which will be more than enough. There is also an adjacent area configured for an additional 42 spaces if more are needed due to additional restaurant uses in the retail building.

The landscaping, sidewalk and pedestrian scale lighting along 5600 West is already installed as required by the 5600 West Overlay Zone. Interior site details such as pedestrian connections and bike racks will need to be refined. The elevations of the building as submitted meet the requirements of the Commercial Design Standards ordinance. Staff can make any necessary corrections with the applicant based on the requirements of the ordinance. A lighting plan for the site has been submitted and meets the requirements of the lighting ordinance.

The restaurant associated with this application is a national chain full service restaurant and will be applying with the State of Utah for a restaurant liquor license after approval of the conditional use from West Valley City.

**Staff Alternatives:**

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:

1. The site plan shall be modified to comply with the requirements of Chapter 7-14-207, Pedestrian Access and Circulation.
  2. All signage must meet the requirements of the West Valley City Sign Ordinance. A detailed sign plan showing wall signs and any proposed monument signs shall be submitted for review. The sign plan must show the location, elevations and dimensions of the proposed signs.
  3. All requirements of any affected departments and agencies must be met.
- Continuance, to allow for the resolution of any issues raised at the public hearing.

**Applicant:**

Ryan Gasser  
74 E 500 S  
Suite 200

**Applicant:**

Jay Dunn

**Discussion:** Ron Weibel presented the application. Ryan Gasser, the applicant, stated that the same architect that has done much of the commercial buildings in Highbury designed these proposed buildings as well. He indicated that similar colors and materials have been used to help create an aesthetically pleasing “class A” shopping center.

Terri Mills stated that the outdoor seating faces 5600 West and questioned whether the applicant has considered modifying the orientation of the building to possibly allow for a less distracting and noisy outdoor dining experience. Mr. Gasser replied that Café Rio, a neighboring restaurant, has an outdoor patio facing 5600 West so he would prefer to keep this building consistent with that. He added that the layout of the buildings were also arranged this way to ensure appropriate parking, etc. Commissioner Mills asked if all 85 outdoor seating spaces will be used. Jay Dunn, representing Buffalo Wild Wings, replied yes. He added that the atmosphere of the sports bar allows this space to be utilized. Barbara Thomas asked if outdoor seating has been successful next to a major arterial. Mr. Dunn replied yes and added that it helps bring customers in as well.

Terri Mills questioned whether televisions could be considered as outdoor signage. Steve Pastorik replied that in the case of the Megaplex Theatres at the mall their television could be considered a sign just based on the size of it. He indicated that televisions in an outdoor patio area likely would not be visible to cars passing by and would not be considered signage.

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

**Motion:** Commissioner Thomas moved for approval subject to the 3 staff conditions.

Commissioner Garcia seconded the motion.

**Roll call vote:**

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

**Unanimous–C-9-2012 –Approved**

**PLANNING COMISSION BUSINESS**

Approval of minutes from January 4, 2012 (Study Session) **Continued**

Approval of minutes from February 15, 2012 (Study Session) **Approved**

Approval of minutes from February 22, 2012 (Regular Meeting) **Approved**

Approval of minutes from March 7, 2012 (Study Session) **Approved**

There being no further business, the meeting adjourned at 6:36 p.m.

Respectfully submitted,

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Nichole Camac, Administrative Assistant