

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**March 28, 2012**

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

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

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

**ABSENT**

**WEST VALLEY CITY PLANNING DIVISION STAFF**

Steve Pastorik, Lee Logston, Steve Lehman, Jody Knapp, and Nichole Camac

**AUDIENCE**

Approximately four (4) people were in the audience

## **GENERAL PLAN CHANGE APPLICATION**

### **GP-1-2012**

#### **West Valley City**

#### **General Plan Amendment**

#### **General Plan Demographics & Long Range Regional Transportation and Transit Plans**

#### **Background:**

West Valley City Planning staff has submitted a General Plan Amendment application in order to update several sections of text in the General Plan which deal with demographics, transportation projects, and transit projects. Updates are based on 2010 Census information, which was released in late 2011, and updated Wasatch Front Regional Council Long Range Regional Transportation and Transit Plans, also released last year.

#### **Summary of Demographic Changes and Transportation & Transit Project Descriptions:**

The following sections of the General Plan will be updated with 2010 Census data:

- Introduction: Sections 1-2 State of the City and 1-3 Projections
- Economic Development: Section 4-2 Background

The following section of the General Plan will be updated with new Wasatch Front Regional Council Long Range Regional Transportation and Transit Plans:

- Transportation: Section 11-5 Outlook and Long Range Regional Transportation Plans

A handout detailing text changes is included in your packets.

#### **Summary of Changes to Maps:**

##### **Public Transit Map (Adopted 20 January 2009):**

- To simplify the map, we are no longer representing standard UTA bus routes by frequency as service, simply as “existing bus routes”.
- Added Routes:
  - A BRT connection from 5600 West to Redwood Road. The route would follow Lake Park and Parkway Boulevards, servicing the Lake Park and Decker Lake business parks.
  - A loop of UTA Standard Bus Route 62 was extended to service residents of Diamond Summit off the western end of 6200 South.
  - UTA Flex Bus Route 556 bus loop around Highbury Parkway, Daybury Drive, Lake Park Blvd., and Glen Eagles Drive. This route deviates from 5600 West to service residents in the Highbury area.

##### **Bike Plan Map (Adopted 20 January 2009):**

- The Bike Plan map shows both existing and planned bike routes.
- Bike route descriptions: *Class 1* bike routes are designated bike and pedestrian routes on their own right of ways, exclusive for these uses. *Class 2* bike routes are designated, signed bike routes adjacent to traffic on the road, within their own striped lanes. *Class 3* bike routes are designated, signed bike routes sharing the road with

traffic, without striping or necessarily even additional right of way width to accommodate the routes.

- Added trails:
  - Class 1 trail around the Redwood Natural Area at the Jordan River Trail, connecting to Redwood Park.
  - Class 1 trail around Decker Lake.
  - Class 1 trail around Centennial Park.
  - Class 2 trail connecting Parkway Blvd. from 6750 West to the proposed Class 1 along the Mountain View Corridor.
  - Two Class 1 trails connecting Parkway Blvd to 3100 South and the Hunter Village developments.
- Changed trails:
  - The Class 1 trail along the Mountain View Corridor showed an incorrect alignment at the north end crossing the SR-201 frontage road as Class 1. The map now shows the most likely Class 2 alignment along 5600 West.

**Staff Alternatives:**

1. Approval of a General Plan amendment
2. Continuance, for reasons determined during the public hearing
3. Denial

**Applicant:**

West Valley City

**Discussion:** Lee Logston presented the application. Phil Conder asked if the City retains information so that projected demographic trends can be compared to actual outcomes. Lee replied that this information is kept and is something staff can organize and look further into. Terri Mills asked if the proposed Class 1 trail will be removed from along the Mountain View Corridor. Lee replied that there will still be a Class 1 trail along the Mountain View Corridor but staff hasn't determined how this will align to the north with the existing frontage road and the 201 freeway. He stated that if there will be a north/south connection it will likely have to be on 5600 West but with BRT this will be difficult to accomplish. Lee indicated that the trail may continue at this location as a Class 2 trail which will be signed and striped. He briefly discussed various changes to the bike and public transit maps.

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

**Motion:** Commissioner Thomas moved for approval.

Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Conder            Yes

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

**Unanimous–GP-1-2012 –Approved**

**ZONE TEXT CHANGE APPLICATIONS**

**ZT-3-2012**

**West Valley Pavilion, LLC**

**Amending the use limitations of Section 7-22-406 of the 5600 West Overlay Zone**

Gordon Keig with West Valley Pavilion, LLC, the owner of the remaining pad sites at the Winco shopping center on the northwest corner of 5600 West and Parkway Blvd., has submitted a zone text change application to amend Section 7-22-406 of the 5600 West Overlay Zone. This section of the ordinance addresses use limitations. One of the prohibited uses listed in this section is fast food with drive-up windows as a stand alone business, or as the primary business on a development pad site. Fast food may be allowed under the roof of another business as an accessory use with no drive-up windows. The proposed change would allow fast food with drive-up windows under certain conditions. Attached to this report is a document from the applicant that answers the following questions:

- What does the current ordinance text suggest or require?
- What is the proposed ordinance text change?
- What is the justification for the requested ordinance text change?

The 5600 West Overlay Zone was adopted in April 2004 and extends from 2100 South to 3100 South and 250' on either side of the right-of-way for 5600 West. A copy of the overlay zone is attached to this report. The overlay zone was put in place in part to encourage uses other than stand-alone fast food given the number of fast food businesses between 3100 South and 3500 South. Existing stand-alone fast food businesses in this area include Subway, McDonalds, Burger King, Dairy Queen, Taco Bell, Carl's Jr., Culvers (opening soon), Wendy's, and Chick-Fil-A.

Between 3100 South and Parkway Blvd., most of the property within 250' of 5600 West is already developed or has recently been approved. North of Parkway Blvd, there are three vacant pads sites at the Target anchored shopping center and one vacant pad site at the Winco anchored shopping center that fall within the overlay zone.

Staff supports this ordinance change for the following reasons:

1. In staff's opinion, part of the purpose for the overlay zone is to encourage a mix of businesses. Unlike the area on the east side of 5600 West between roughly 3300 South and 3500 South which is all stand-alone fast food businesses, the area north of 3100 South has a mix of businesses. The proposed ordinance is worded such that a mix of businesses is still required in order to have a fast food restaurant.

2. A stated purpose of the overlay zone is to “encourage uses in an aesthetically pleasing setting.” With the proposed ordinance change, aesthetics are still addressed by:
  - a. the commercial design standards that were adopted after the overlay zone was put in place;
  - b. the proposed ordinance language that does not allow drive-up windows on the fronts of buildings and requires landscaping, berming and/or screening to minimize the view of drive-thru areas; and
  - c. the conditional use review process that allows the Planning Commission to address site plan and aesthetic issues.
3. The purpose section of the overlay zone also encourages uses which “will be compatible with and complementary to adjacent uses.” North of 3100 South, there is a Del Taco and a Starbucks with drive-up windows that were approved before the overlay zone was put in place. Other existing businesses within the overlay zone include Panda Express, Five Guys Burgers and Fries, Subway, Mountain America Credit Union and Cyprus Credit Union. In other words, there are existing fast food restaurants and businesses with drive-thrus within the overlay zone.
4. There is still a significant amount of vacant commercial land along this section of 5600 West that falls within and outside the overlay zone. Allowing a little more flexibility as suggested by this ordinance amendment will, in staff’s view, offer more tenant options and help this commercial area be even more successful in the future.

### **Staff Alternatives**

1. Approval of the application to amend Section 7-22-406.
2. Continuance for reasons determined during the public hearing.
3. Denial, the ordinance should remain unchanged.

#### **Applicant:**

Gordon Keig  
2355 Camelback Road  
Phoenix, AZ 84016

**Discussion:** Steve Pastorik presented the application. Gordon Keig, representing the applicant, stated that there has been substantial interest in drive-up’s on the proposed pad site in front of WinCo on 5600 West. Mr. Keig stated that he has received requests for bagel/donut shops, coffee shops, flower shops, etc. He indicated that several multi-tenant buildings that house drive up businesses have been constructed and work effectively throughout the western United States. Mr. Keig indicated that adding enhanced landscaping and design elements can soften the connotation of a drive up use by minimizing the entrance and providing screening that matches the building. Mr. Keig provided examples of similar buildings in other states and stated that changing this ordinance would still prohibit stand alone fast food restaurants. He indicated that drive-up’s enhance businesses and are compatible with the surrounding area.

Joe Garcia expressed concern regarding parking and stacking in the drive-up area. Mr. Keig replied that WinCo has a significant parking lot that can be shared and this shouldn’t be an issue. He added that the drive-ups are designed so that stacking will

not occur in main intersections of the shopping center. Commissioner Garcia stated that drive-ups with flow being parallel to traffic are also important so that headlights won't obstruct drivers on 5600 West. Mr. Keig stated that these details will be worked out at a later time but added that additional landscaping and walls can help prevent this problem.

Jack Matheson stated that he is comfortable with this preliminary design and feels that a drive-up business would be successful on these proposed pads. Barbara Thomas stated that she feels the existing Overlay Ordinance has done its job and she doesn't see a reason to change it. She added that there is no need to encourage cars to idle and contribute to negatively impacting the environment. Commissioner Matheson stated that there is a Subway restaurant on 5600 West between 3100 South and 2700 South that he will not go to because it doesn't have a drive-up. Terri Mills stated that both Commissioners have a good point. She stated that this is near an industrial area and many truckers prefer drive-up windows. She added that air quality has not been addressed by the City but is something that should perhaps be looked into. Commissioner Mills stated that the ordinance has worked because this area has less traffic, clutter, and stacking. She indicated that maybe addressing amenities like outdoor dining may be something else the Planning Commission can look into. Commissioner Garcia stated that he does not associate drive-up's with healthier food options and he feels it is important for the City to attract healthy dining options. Commissioner Matheson stated that he would rather have the City growing rather than be stopped by limitations that aren't necessarily a bad thing. Steve Pastorik stated that air quality would need to be addressed City wide rather than just a small section for it to be effective. Commissioner Thomas stated that she feels the ordinance has been effective and should not be changed.

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

**Motion:** Commissioner Matheson moved for approval.

Commissioner Conder seconded the motion.

**Roll call vote:**

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

**Majority-ZT-3-2012 -Motion Fails**

Chairman Fuller called for a second motion.

**Motion:** Commissioner Thomas moved for denial.

Commissioner Garcia seconded the motion.

**Roll call vote:**

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

**Majority–ZT-3-2012 –Denied**

**SUBDIVISION APPLICATIONS**

**Commissioner Thomas declared a conflict of interest on the following application. Alternate Planning Commissioner, Imaan Bilic, stepped in as Commissioner on this item.**

**SV-1-2012**

**Bills Drive Street Vacation**

**3850 South 5785 West**

**R-1-8 Zone**

**BACKGROUND**

The Utah Department of Transportation (UDOT) is requesting consideration to vacate a portion of Bills Drive having a west coordinate of 5785 West. The portion to be vacated includes all of the public right-of-way south of Cilma Drive located at 3850 South.

**ISSUES:**

As UDOT continues to acquire various properties for the Mountain View Corridor, the Planning Commission will review a number of requests for street vacations and subdivision amendments. These applications will be presented to the Commission when UDOT has completed their acquisition of the properties in question, or is near the completion of those acquisitions.

This application will vacate a portion of Bills Drive located to the south of Cilma Drive. The street is located within the Larsen Estates Phase 3 Subdivision. This subdivision was recorded with the Salt Lake County Recorder's Office in January 1977.

Staff understands that UDOT has acquired all properties adjacent to this portion of Bills Drive. Based on a recent site visit, all of the homes south, and actually north of Cilma Drive have been demolished. The City will not record the ordinance vacating the right-of-way until UDOT provides verification that the acquisition is complete and that there are no pending condemnation proceedings.

Although the street will eventually be vacated by ordinance, the ordinance will have no force or effect of any franchise rights of any public utilities, nor would they be impaired thereby.

The ordinance will also protect any holders of existing franchises, water drainage pipelines, or other such uses as they may presently exist under, over or upon said property or as are or may be shown on the official plats and records of Salt Lake County.

**STAFF ALTERNATIVES:**

- A. Approval of the Bills Drive street vacation.
- B. Continuance to address issues raised during the Planning Commission meeting.

**Applicant:**  
UDOT

**Neutral:**  
Mavis Woodman  
3875 Marsha Drive

**Discussion:** Steve Lehman presented the application. Jack Matheson clarified that the City won't be reimbursed for any right-of-way. Steve replied yes. Terri Mills asked if there will ever be a vacation done before homes are demolished. Steve replied that as long as UDOT is the property owner on all properties, the City can move forward with street vacations. He stated that in some cases people may still be living in the area paying rent to UDOT until they are ready to begin demolition. Steve added that the changes will not be recorded without ensuring that every home is owned by UDOT. Mavis Woodman, a resident in the area, questioned whether her house will be taken for the Mountain View Corridor. Steve replied that he can take a look after the meeting and address this concern.

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

**Motion:** Commissioner Conder moved for approval.

Commissioner Bilic seconded the motion.

**Roll call vote:**

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

**Unanimous–SV-1-2012 –Approved**

**CONDITIONAL USE APPLICATIONS**

**C-10-2012**

**J&N Pawn (Ryan Swanson)  
4085 S. 4000 W.**



### **C-1 Zone (.72 Acres)**

The applicant, Cameron Duncan with Ensign Engineering, is requesting a conditional use for a retail building at 4085 South 4000 West. This property is zoned C-1, Neighborhood Commercial, and the West Valley City General Plan designates this area as Neighborhood Commercial. The adjacent property to the north is zoned RM, the east is RB and the remaining areas are C-1. The surrounding uses include an abandoned and partially destroyed home to the North, a Tax Service business to the East. A convenience store and retail center to the West and a home and Church to the South.

The applicant is requesting to construct a 5,805 square foot retail building at this site that could potentially hold up to 5 tenants. The building will be constructed of earth toned stucco and brick materials and designed to comply with the Commercial Design Standards in the West Valley City Code. The design also includes a pitched roof per the requirements of the Development Agreement that was put in place during the re-zone process (GPZ-2-2009) for this location.

The site is bordered by RM zoning to the north so a 6' tall concrete or masonry wall is required along this property line. The minimum setback required on the north side is 10', and the setback for the east side is a 5'. These setbacks areas shall be landscaped and include at least 1' tree for every 30' of landscaping as well as three shrubs per tree. The landscaping along 4100 South will be designed per the standards set forth in Landscaping Along High Image Arterials.

The parking for the site has been calculated for retail uses (1/250 sqft). Therefore, 23 spaces are required, and 30 have been provided. The applicant has not indicated that there would be Restaurant tenants here and additional parking has not been provided for this type of use.

A lighting plan has been submitted and complies with the standards set forth in the West Valley City Code. Any lighting installed adjacent to residential uses shall be installed and/or shielded so it does not negatively impact those adjacent uses.

The applicant has indicated that only wall signage will be proposed for this site. All signage shall comply with the West Valley City Sign Ordinance, to include no more than 15% signage on the front building face, and 5% on the remaining sides, and no more than 50% of the window area covered in signs. A building permit must be issued for all wall signage.

There will also be a dumpster located in the southeast corner of the site. This area shall be secured within a 6' masonry enclosure and additional landscaping has been proposed around this area to help screen it from view. Any mechanical equipment proposed on site or on the building shall also be properly screened from view per the standards set forth in the West Valley City Code.

#### **Staff Alternatives:**

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

1. The building elevations must be designed per the Commercial Design Standards and include a pitched roof design per the requirements of the Development Agreement (GPZ-2-2009).
2. The landscaping must be completed per the approved site plan and in accordance with applicable standards in the West Valley City Municipal Code including but not limited to the standards for Landscaping Along High Image Arterials.
3. A 6' concrete or masonry wall shall be installed along all residential zone boundaries.
4. There must be adequate parking on site for the proposed tenant mix.
5. All lighting shall be designed per Title 7 and not negatively impact adjacent residential uses.
6. All signage must comply with the West Valley City Sign Ordinance.
7. The dumpster location shall be at least 20' from any residential boundary and completely secured with a 6' masonry enclosure.
8. All mechanical equipment on site must be properly screened.
9. Must meet requirements of all effected departments and agencies.
10. Subject to review upon valid complaint.

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

**Applicant:**

Cameron Duncan  
45 West 10000 S  
Sandy, UT

**Discussion:** Jody Knapp presented the application. Barbara Thomas asked if the dumpster in the southeast corner will affect the business to the east. Jody replied that there are no separation standards for dumpsters except from residential.

Cameron Duncan, the applicant, provided examples of different colored brick for the building. He indicated that there will be soldier course around the edges. He stated that originally the building was going to be tan but eventually it was decided to be gray stucco, red brick, and a dark gray roof. Mr. Duncan stated that he would prefer the ability to spread out the trees behind the building on the North side of the property. He stated that it is difficult to grow trees in a small area and it will be difficult to see them from that angle. Barbara Thomas asked what the double doors are on the building elevations. Mr. Duncan replied that it will likely be a storage area. Terri Mills stated that she is concerned about the pitch of the roof and any venting or mechanical equipment being placed on it. Mr. Duncan replied that there will be nothing on top of the roof, everything will be located to the rear of the building.

Commissioner Mills asked if one of the tenant spaces is large enough for a restaurant that will need a vent on top of the building. Jody replied that it would be difficult on parking but there may potentially be enough space for a restaurant. Mr. Duncan replied that the building isn't large enough to support any type of large restaurant. Commissioner Mills stated that she likes the trees where they are located. She indicated that the trees soften the appearance of the rear of the building and small trees can be found that fit and thrive in smaller spaces. Commissioner Thomas asked if the property to the north becomes commercial before landscaping is installed if the tree plan can be modified then. Jody replied yes. Commissioner Mills asked if this would also apply to the wall as well. Jody replied yes. Jack Matheson asked if the building to the north is currently occupied. Jody replied no.

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

**Motion:** Commissioner Thomas moved for approval subject to the 10 staff conditions.

Commissioner Woodruff seconded the motion.

**Roll call vote:**

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

**Unanimous-C-10-2012 –Approved**

**PLANNING COMMISSION BUSINESS**

Approval of minutes from January 4, 2012 (Study Session) **Approved**  
Approval of minutes from March 14, 2012 (Regular Meeting) **Approved**  
Approval of minutes from March 21, 2012 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:07 p.m.

Respectfully submitted,

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Nichole Camac, Administrative Assistant