

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

April 25, 2012

The meeting was called to order at 4:00 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, Phil Conder, Barbara Thomas, and Imaan Bilic

ABSENT

Terri Mills and Joe Garcia

WEST VALLEY CITY PLANNING DIVISION STAFF

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

AUDIENCE

Approximately nine (9) people were in the audience

ZONE TEXT CHANGE APPLICATIONS

ZT-2-2012

West Valley City Planning and Zoning (Kevin Despain, Planner I)

This is a proposed amendment to Sections 11-4-117 (Measurement of Setback) and 11-5-105 (Billboards) of the West Valley City Municipal Code.

These sections of the Code address how the setback is to be measured for signage, namely monument, pole, and billboard signs. The original intent of this section was to mitigate the impact of future road widening on signage within the future right of way as outlined in the West Valley City Major Street Plan.

Staff proposes to amend this ordinance based on the following reasons:

- According to Wasatch Front Regional Council's Regional Transportation Plan, which outlines the phasing of road widening, many portions of improvements are not expected to commence in the next decade. We, as staff, see it as unreasonable for businesses to set their signs back based on distant future widening. As an example, right of way (ROW) changes for state roads are outlined below:
 - 3500 S (4000 W to Mountain View Corridor)
 - Improvements anticipated between 2011-2020
 - 3500 S (Mountain view Corridor to 7200 W)
 - Improvements anticipated between 2021-2030
 - 5600 W (2700 S to 6200 S)
 - No anticipated changes in road widths for next 20-30 years
 - Redwood Rd. (SR-201-4700 S)
 - No anticipated changes in road widths for next 20-30 years
- The majority of our commercial zones are located along state roads such as 5600 W, 3500 S, and Redwood Road. The future road widening along these state facilities affects a great majority of the city's commercial businesses. Utah Department of Transportation (UDOT) has jurisdiction over these state facilities. According to our legal department, UDOT is required by state law to compensate owners for relocated signage making a delay agreement ineffective. The legal department also recommends that this ordinance change apply for all streets within the city and for all types of signage that require setbacks.
- The current requirements also create an economic disadvantage for new businesses that are required to set their signs back further from the street in order to locate outside the future right of way. For some businesses along 3500 S, signs would have to be up to 17-19 feet from the edge of sidewalk in order to locate outside the future right of way, which is considerable in comparison to other existing signage.

Proposed ordinance revisions:

11-4-117 MEASUREMENT OF SETBACK.

The sign setback shall be measured from the **property line**, ~~future right-of-way line (see Major Street Plan). In situations where inadequate front yard setbacks exist due to existing building location, and a property owner wishes to place a new sign in the future right-of-way, the property/sign owner must sign a recorded statement or delay agreement with the City Council for voluntary relocation at their expense, when the road is widened.~~

11-5-105 BILLBOARDS.

(7) Setbacks. The minimum front yard setback shall be 10 feet for billboards less than or equal to 25 feet in height. Signs exceeding 25 feet in height shall be set back one additional foot for each foot of height over 25 feet, up to the maximum height allowed of 35 feet. The sign setback shall be measured from **the property line**, ~~future right-of-way line (see Major Street Plan)~~. The closest edge of a billboard shall not project into any required setback area. The minimum separation between a billboard and any residential use or zone boundary shall be 75 feet.

Staff Alternatives:

Approval of the Ordinance Text Change, subject to the resolution of any issues raised at the public hearing.

Continuance, to provide more time for staff to further refine the Ordinance or for the resolution of any issues raised at the public hearing.

Denial, as the current ordinance is adequate.

Applicant:

West Valley City

Discussion: Kevin Despain presented the application. Phil Conder asked how this item was noticed. Nichole Camac replied that zone text changes are noticed in the newspaper. Barbara Thomas asked if landscaping is required to extend all the way to the road regardless of future right-of-way. Kevin replied yes. Steve Pastorik added that in commercial developments, any area that doesn't have pavement or a building must be landscaped. He indicated that there are minimum requirements and setbacks that are also required by ordinance. Phil Conder stated that if landscaping is required to current right-of-way this should be a usable area for a business. He added that requiring signs to be further back may be detrimental to a business, especially if roads won't be widened in the near future.

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

Motion: Commissioner Thomas moved for approval.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Fuller	No

Majority-ZT-2-2012-Approved

ZT-5-2012

This Item Has been WITHDRAWN at the applicant's request.

Chairman Fuller called for a motion.

Motion: Commissioner Conder moved to strike this item from the agenda.

Commissioner Woodruff seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Fuller	Yes

Unanimous-ZT-5-2012-Withdrawn

CONDITIONAL USE APPLICATIONS

C-14-2012

Planet Party Inc. (Derek Nelson and Eddie Scott)

2500 Decker Lake Blvd. #4

M Zone (13.45 Acres)

The applicants, Derek Nelson and Eddie Scott, are requesting a conditional use permit to manufacture, package and distribute wine at 2500 Decker Lake Blvd. #4. This property is zoned M, Manufacturing, and the West Valley City General Plan designates this area as Light Manufacturing. The adjacent property is all zoned Manufacturing and the surrounding uses office/warehouse type uses.

The applicant is requesting to operate a winery business. The product produced is a low-alcohol content flavored wine. The site will only be used to manufacture, package and distribute the wine. There will be no retail sales, wine tastings or consumption on site. The product will not qualify for sale in Utah and will therefore all be shipped out of the State. Planet Party will be applying for a Winery license from the Federal Alcohol, Tobacco Tax

and Trade Bureau as well as the Utah Department of Alcoholic Beverage Control and will be regulated according to those standards.

The business will occupy a 4,000 square foot space in an existing office/warehouse complex. There are two service/bay doors at the back of the building that will serve as the receiving and shipping areas. A diagram of the floor layout has been included for your review and demonstrates the different processes involved in the manufacturing of the wine product at this location.

Currently there will not be any employees as part of the business. This may change in the future as the business grows, but initially it will be operated by the two owners, Mr. Scott and Mr. Nelson. The proposed hours of operation will be Monday – Friday from 9a.m. – 5 p.m. The site is well established and there is adequate parking on site for this use. The site is also well maintained with mature landscaping.

All signage for the business shall comply with the West Valley City Sign Ordinance, to include no more than 15% signage on the front building face and no more than 50% of the window area covered in signs. A building permit must be issued for all wall signage.

Staff Alternatives:

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

1. The business shall not be open to the Public at any time.
2. Must obtain a West Valley City Business license.
3. Must meet requirements of all affected departments and agencies including but not limited to the Federal Alcohol, Tobacco Tax and Trade Bureau and the Utah Department of Alcoholic Beverage Control.
4. Subject to review upon valid complaint.

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

Applicant:

Edwin Scott
10389 Sandalwood Drive
Cedar Hills, UT 84062

Discussion: Jody Knapp presented the application. Barbara Thomas asked if there will be any waste produced. Edwin Scott, the applicant, replied that there will be a small amount of waste associated with the fermenting process but not a significant amount. Harold Woodruff asked what the alcoholic content will be of the manufactured product. Mr. Scott replied that it will be 7.77% and indicated that all wine will be sold out of state and mostly out of country.

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.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Fuller	Yes

Unanimous-C-14-2012-Approved

C-18-2012

El Nino Emissions & Inspection

4319 West 3500 South

C-2 Zone Approx. 1.23 Acres

Everardo Collins, representing El Nino Auto Sales, Inc. is requesting conditional use approval for the addition of an emissions and inspection business to his existing automobile sales business at 4319 West 3500 South. This property is zoned general commercial (C-2) and is surrounded by commercial zoning on three sides and vacant R-1-8 zoned property to the south. The West Valley City General Plan designates this area as mixed use.

The auto sales business at this location was approved in September of 2009. The owner wants to add the emissions and inspection aspect to the business to provide additional services and also to diversify his business due to the challenging economy. There are two roll-up doors on rear (south) side of the building and one of these will be used for the equipment required for the testing.

Along with the emissions and inspection, the applicant would like approval to do minor automotive repairs. These repairs would be limited to replacing sensors and brakes and other repairs that may be associated with the emissions and inspection business. There would be no major engine or transmission work.

All work for the emissions and inspection would be done inside and would not be done after 8:00 p.m. Monday through Saturday. The small air compressor will also be located inside the building. The distance from the shop door to the nearest house to the south is over 300 feet so noise should not be an issue. It was explained to the applicant that upon valid complaint the use could be reviewed by the Planning Commission.

A staff inspection of the site for this application showed a garbage dumpster being used. This was not on site when the original application was approved but now that they are using one a

concrete or masonry enclosure six (6) feet high must be built to house the dumpster.

Staff Alternatives:

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
 1. Only minor repairs associated with the emissions and inspection are to be done on site.
 2. No emissions and inspections or repair work shall be done after 8:00 p.m., Monday through Saturday.
 3. All fluids such as oil, gasoline, coolant and transmission fluid shall be disposed of in accordance with State and Federal regulations.
 4. A six (6) foot high concrete or masonry enclosure with a gate must be built for the garbage dumpster. This enclosure should be in the rear of the building.

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

Applicant:

Everardo Collins

Discussion: Ron Weibel presented the application. Brent Fuller asked if the business is closed on Sunday's. Ron replied yes and added that the State requires that automotive uses be closed one day of the week and most businesses typically choose Sunday. Barbara Thomas asked if the air compressor will be inside at all times. Everardo Collins, the applicant, replied yes and indicated that the compressor is stationary. Jack Matheson commented that the site has been well improved and seems to be a good location for an automotive use. Phil Conder asked if any repairs will be conducted outside. Ron replied that all repairs must be conducted within the building.

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

Motion: Commissioner Thomas moved for approval subject to the 4 staff conditions modifying condition #1 to state: Only minor repairs associated with the emissions and inspection are to be done on site and must be conducted within the building; and adding condition #5 to state: The compressor shall be permanently mounted inside the building. Any problems will be reviewed upon valid complaint.

Commissioner Bilic seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Fuller	Yes

Unanimous-C-18-2012-Approved

C-19-2012

King Arthur Storage (Identity Signs)

4895 W 3500 S

C-2 Zone

The applicant, Identity Signs, on behalf of King Arthur storage is requesting a conditional use amendment to allow for an additional monument sign and also to request bonus sign height. The zoning for this site is C-2, general commercial. The site is bordered by R-1-8, single family residential, to the south and to the west. The properties to the north and east, across 3500 S and 4800 W respectively, are also C-2 zoning.

The original conditional use, C-20-99, entailed the entire King Arthur Self-Storage development, which included two multi-tenant retail buildings, 21,400 square feet in total, and the self storage units. The development is currently on three separate parcels, one for each retail building and one for the King Arthur Self Storage.

One of the conditions of approval was that “signage should be limited to one directory monument sign per frontage to accommodate all businesses including the self-storage units, with the sign on 3500 South to be reviewed by staff.” Two large directory signs were approved on January 3, 2001 and a building permit was obtained. The condition regarding signage applies to the entire development and runs with the land regardless of the separate parcels.

King Arthur made an application, C-2-2012, to amend the condition to allow them to have a separate monument sign on their own property exclusive to their business. This first application was denied by the Planning Commission. This application, C-19-2012, is also to amend the conditional use conditions and request bonus sign height. According to a letter sent by King Arthur, they receive half of their clients and initial contacts via physical signage on site, therefore, they would like to have their own separate signage on their property.

According to the sign ordinance, a single tenant monument sign shall be no greater than 6 feet in height, include no more than 50 square feet of signage, and include a 1 foot minimum masonry base. Signs shall *generally* maintain a 100 foot separation from all other signs. In this case, a billboard sign, which is not owned by King Arthur, is situated 18 feet from the proposed location of the new monument sign. The ordinance requires that only one monument sign be allowed per 200 feet of frontage. The frontage for King Arthur is 160 feet. The sign ordinance does allow planning staff flexibility in determining a sign’s location with situations of limited frontage.

The directory sign on 3500 S currently is 13 feet high and has 100 square feet of signage divided up among various tenants in the adjacent retail building. King Arthur is proposing to remove a particular portion of signage allotted to them out of the existing directory sign. They intend to physically remove the 41 square feet of signage from the directory sign, thus reducing the size and height of the directory sign, and then build a

new monument sign of 44 square feet of signage. King Arthur has coordinated this with the owners of the directory sign. The modified directory sign would have 59 square feet of signage and would be nearly 9 feet high.

The applicant also requests a 9 inch height bonus to allow for 6 inch finials atop the columns of the sign. According to criteria for bonus sign area, an applicant may request 6 inches of additional height when brick or rock columns are used as a vertical support, and 6 inches of additional height for a unique overall design as per 11-14-111 (1)(d) and (e), respectively. The sign being proposed will incorporate a stone finish to match the existing building materials. The sign being proposed is 6'3" feet to the top of the sign and 6'9" to the top of the finials. The sign meets the requirements of the sign ordinance in all other regards.

Staff Alternatives:

Approval:

Amend the condition limiting additional signage allowing King Arthur Self Storage its own monument sign *and* grant approval of 9 inches of bonus sign height for King Arthur Self-Storage.

Denial: The original condition limiting signage is reasonable and should not be changed.

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

Applicant:

Troy Walker
953 E Pioneer Road #A
Draper, UT 84020

Applicant:

Brent Albers
9913 S 500 W
Salt Lake City, UT 84070

Discussion: Kevin Despain presented the application. Barbara Thomas asked if there will be any additional landscaping. Kevin replied that this is not required and the applicant is not applying for that bonus sign criteria. Harold Woodruff asked if the allowable sign area for a single tenant is 50 square feet. Kevin replied yes.

Phil Conder asked if the extra height bonus will apply to the actual signage or for the decorative columns. Troy Walker, representing King Arthur Storage, replied that the bonus height will be for the columns. Mr. Walker indicated that a monument sign is very important for the business because many people find the company by driving by. He stated that they are aware the division of the parcels was not done legally and will be working on taking care of that situation. Barbara Thomas asked if more people notice the sign on the building or the monument sign. Mr. Walker replied that it is difficult to determine which one is more effective but having an electronic message sign directly in front of the King Arthur entrance will help draw people in who are driving along 3500 South. Phil Conder asked how the City can hold the owner of the multi-tenant sign to this conditional use. Brandon Hill replied that the Planning

Commission can impose a condition that the sign cannot be returned to its original size. He added that since this conditional use applies to the entire parcel, this is something the Planning Commission can do. Kevin asked if the City would need a copy of the agreement between King Arthur and the property owner to the east. Brandon replied that the Planning Commission can request this as a condition if they choose. Phil Conder stated that he feels the two signs look better than the single large one. Brent Albers, representing the applicant, clarified the height and dimensions for the sign and stated that the bonus will only be for an additional 4.5 inches.

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

Motion: Commissioner Woodruff moved for approval subject to the following conditions: 1. The original condition limiting signage to only one directory sign on 3500 South shall be amended allowing King Arthur Self Storage its own monument sign.; 2. Approval shall be granted for an additional 6 inches of bonus sign height for King Arthur Self Storage; 3. A copy of the contract between King Arthur Self Storage and the adjacent retail building to the east regarding the existing multi-tenant sign being lowered in height with the removal of the King Arthur Self Storage panel shall be provided to the City.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Conder	Yes
Commissioner Matheson	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Fuller	Yes

Unanimous-C-19-2012-Approved

PLANNING COMISSION BUSINESS

Approval of minutes from April 11, 2012 (Regular Meeting) **Approved**
Approval of minutes from April 18, 2012 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:43 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant