

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**June 27, 2012**

The meeting was called to order at 4:03 p.m. by Vice-Chairman Phil Conder at 3600 Constitution Boulevard, West Valley City, Utah

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

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

**ABSENT**

Brent Fuller

**WEST VALLEY CITY PLANNING DIVISION STAFF**

Steve Pastorik, Steve Lehman, Jody Knapp, Ron Weibel, and Nichole Camac

**AUDIENCE**

Approximately fifteen (15) people were in the audience

## **ZONE CHANGE APPLICATIONS**

### **Z-4-2012**

#### **Verdad Real Estate**

#### **Southeast corner of 5600 West 4100 South**

#### **A to C-1**

#### **0.99 acres**

Verdad Real Estate has requested a zone change on a 0.99 acre parcel on the southeast corner of 5600 West 4100 South from A (agriculture) to C-1 (general commercial). Surrounding zones include C-1 to the west; RB (residential business) to the north, A to the east and R-1-7 (single family residential, minimum lot size 7,000 square feet) to the south. Surrounding uses include a Tesoro convenience store to the west, Walgreens on the northwest corner of the intersection, vacant land on the north and single family homes to the east and south. The property is designated as neighborhood commercial in the General Plan. The General Plan defines neighborhood commercial as areas that “allow for convenience shopping facilities which appropriately fit within and serve a neighborhood-oriented market. These facilities supply day to day necessities for local residents.”

UTA operates two bus routes (F556 and 47) along this portion of 5600 West and one route (41) along 4100 South.

#### **Development Proposal**

The applicant has submitted a concept plan, which is attached, that shows the proposed use for this corner as a 7-Eleven convenience store with gas pumps. The concept plans shows landscaped setbacks over the required 20' to accommodate future road widening planned along 5600 West and 4100 South. UDOT has money programmed for fiscal year 2014/2015 through fiscal year 2016/2017 to extend the Mountain View Corridor (MVC) from 5400 South to 4100 South. With the MVC connecting to 4100 South, UDOT anticipates significant new traffic at the intersection of 5600 West and 4100 South. Hence, UDOT is planning capacity improvements for this intersection that will impact the subject property within the next several years.

UTA is planning to eventually construct bus rapid transit (BRT) along 5600 West which could also require additional right-of-way at this intersection. The timing of the BRT, which was once slated for 2015, is now uncertain. As part of the environmental approval for MVC, UDOT is required to provide BRT on 5600 West before MVC is upgraded to a freeway with interchanges.

The concept plan illustrates how, from the applicant's perspective, a 7-Eleven could function on the site now and after the road widening occurs. Complete site plan review including review from UDOT is not done until a conditional use permit is submitted. However, based on the concept submitted, access to the site, especially for gas trucks, is not safe in that gas trucks would have to cross over one or more lanes of traffic to enter and exit the site. Depending upon the final design from UDOT, most if not all of the landscaping along 4100 South and 5600 West will likely be acquired and removed for the road widening. The end result would be a prominent corner with little or no landscaping.

**Staff Alternatives:**

- Denial, access to the subject parcel for the intended use is not feasible. In addition, the relatively narrow width of the site along with the planned road improvements would result in an undesirable development at this corner.
- Continuance, for reasons determined at the public hearing.
- Approval, the General Plan anticipates neighborhood commercial use.

**Applicant:**

N/A

**Discussion:** This item has been withdrawn by the applicant.

There being no further discussion regarding this application, Vice-Chairman Conder called for a motion.

**Motion:** Commissioner Garcia moved to withdraw the item from the agenda.

Commissioner Bilic seconded the motion.

**Roll call vote:**

Commissioner Bilic	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Vice-Chairman Conder	Yes

**Unanimous -Z-4-2012- Withdrawn**

**SUBDIVISION APPLICATIONS**

**S-8-2012**

**Jensen Subdivision**

**4058 South 3200 West**

**R-1-7 Zone**

**2 Lots**

**BACKGROUND**

Mr. Richard Jensen, is requesting preliminary and final subdivision approval for a 2-lot flag lot subdivision in the R-1-7 zone. The subject property is located at 4058 South 3200 West. The property is currently occupied by one single family dwelling. Mr. Jensen would like to subdivide the property in order to create one additional lot for a future single family dwelling.

**STAFF/AGENCY COMMENTS:**

Fire Department:

Fire hydrant needs to be located within 250 feet of rear dwelling.  
20-foot clear width needs to be provided for the flag lot from street right-of-way.

Granger Hunter Improvement District:

Project will need to run availability for water, sewer and fire protection.  
Subject to design and review inspections.

Utility Agencies:

Subject to all standard easement locations.

Public Works:

Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.

Revisions to plat are required.

Will need to coordinate review of new drive approach along 3200 West.

Basement depth of rear dwelling to be determined by the Chief Building Official

Building Inspections:

A. Will need to coordinate basement depth with builder prior to issuance of a building permit.

**ISSUES:**

Mr. Jensen is proposing a preliminary and final subdivision plat consisting of 2 lots. The property is approximately .75 acres in size which will allow rather large lots. At the present time, there is one existing single family dwelling located on the front portion of the property. The applicant's intent is to divide the property to create a new lot for a future single family dwelling.

The City's Subdivision Ordinance requires that all flag lots have a minimum square footage of 12,000 square feet. Based on the size of the existing property, the applicant is able to plat two lots. The front lot, or lot 1 will be approximately 9,500 square feet, while the back lot (lot 2) will be approximately 18,500 square feet.

Existing improvements are currently in place along 3200 West. However, the applicant will need to open up the street for water and sewer. In addition, a new curb cut and drive approach will be required for the flag lot. These improvements will need to be coordinated with Granger Hunter Improvement District and the City Public Works Department.

As mentioned previously, the flag lot is intended to be used for a new single family dwelling. In cases where only 1 new lot is being proposed, the City has waived the requirement to submit a soils report. However, this waiver is based on a field investigation by the Building Official regarding basement depth. If sufficient evidence does not exist wherein the Building Official is comfortable establishing the footing depth, the builder will be required to submit a soils report prior to issuance of a building permit.

**STAFF ALTERNATIVES:**

- A. Approval of the Jensen Subdivision subject to the following conditions:
  - 1. That compliance be made with Granger Hunter Improvement District regarding water line extensions, sewer connections and fire protection.
  - 2. That the subdivision name be approved by Salt Lake County.
  - 3. That the developer resolve all staff and agency concerns.
  - 4. That the new drive approach be reviewed and approved by the City Engineering Division.
  - 5. The City will waive the soils report if the Building Official determines that sufficient field evidence exists for him to make a determination as to basement depth. If this evidence does not exist, a soils report will be required prior to issuance of a building permit.
- B. Continuation to address issues raised during the Planning Commission meeting.

**Applicant:**

Richard Jensen  
744 Lazy Oak  
Sandy, UT

**Discussion:** Steve Lehman presented the application. Jack Matheson asked if there is a fire hydrant within the required range for the rear property. Steve replied that there must be one within 250 feet and if there is not this will be required to be installed by the Fire Department. Richard Jensen, the applicant, stated that there is a fire hydrant to the east of the property along 3200 West that is within 250 feet. Steve Lehman stated that sometimes fire hydrants across major streets may not work for the Fire Department but indicated that the hydrant Mr. Jensen is referring to will not be a problem. Terri Mills stated that she was concerned with the removal of the existing trees but is relieved to hear that they will be staying.

There being no further discussion regarding this application, Vice-Chairman Conder called for a motion.

**Motion:** Commissioner Thomas moved approval subject to the 5 staff conditions.

Commissioner Matheson seconded the motion.

**Roll call vote:**

Commissioner Bilic	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Vice- Chairman Conder	Yes

**Unanimous -S-8-2012- Approved**

**S-9-2012**

**201 Commerce Center Subdivision – No. 2**

**4350 West 2100 South**

**M Zone**

**2 Parcels**

**79 Acres**

**BACKGROUND:**

Bret Mackay, representing DLM Development, is requesting preliminary and final plat approval for the 2<sup>nd</sup> phase of the 201 Commerce Center Subdivision. The subject property is presently vacant and is located in the manufacturing zone.

**ISSUES:**

The proposed subdivision is being requested in order to divide the existing property into 2 parcels. Along with the division of parcels, the subdivision plat will also dedicate a new road to be known as Commerce Center Drive. This road will connect the 201 frontage road with Links Drive to the south.

Access to the subdivision will be gained from both the 2100 South frontage road and from Links Drive. The Planning Commission may recall that Links Drive was dedicated as part of the first phase of the 201 development. The cross section to be used here as well as future rights-of-way within the development site will be 66 feet. A parkstrip and sidewalk will be located on one side of the roadway which is standard in the manufacturing zone. The location of the sidewalk will be on the east side of Commerce Center Drive.

The Planning Commission asked a question as to whether the drainage swale utilized in phase 1 will continue with this phase. Based on the overall grading and drainage plan, the drainage swale will continue as originally proposed and approved by the City Engineering Division. The landscaping and construction methods used for future swales will be reviewed as part of the conditional and/or permitted use applications.

During the study session, staff discussed the connection of Links Drive and informed the Commission of some restrictions on various types of vehicles. The Commission asked whether this restriction would be posted on site. To answer that question, staff would like to reference a letter dated May 14, 2008, in which Zion's Securities, (now Suburban Land Reserve Inc.), submitted a letter of understanding as part of their consent to dedicate Links

Drive. Condition number 5 reads as follows:

As any real property adjacent to Links Drive is developed, the City will include conditions on such development that would not permit Links Drive to be used as a primary route of ingress or egress for semi-trucks and other commercial vehicles. The City will post and enforce use restrictions on Links Drive requiring that Links Drive be used and maintained primarily as a road for private passenger vehicles.

Future uses within the subdivision will be reviewed as either conditional and/or permitted uses. At that time, staff and agency comments will be more thoroughly addressed. The subdivision plat will contain easements dedication of right-of-way and other information applicable to the division of property.

**STAFF ALTERNATIVES:**

1. Approve the 2<sup>nd</sup> phase of the 201 Commerce Center Subdivision subject to a resolution of staff and agency comments.
2. Continue the application in order for the developer to address the Planning Commissions concerns.

**Applicant:**

Bret Mackay  
9090 S Sandy Parkway  
Sandy, UT

**Discussion:** Steve Lehman presented the application. Jack Matheson stated that he is concerned with a long straight road and indicated that it may need traffic calming. He added that the frontage road should also be reviewed for possible signalization since this area can get busy. Steve replied that this will be reviewed by the City's traffic engineer and indicated that traffic circles, roundabouts, and stop signs could be considered by the Traffic Engineer to slow traffic on the proposed Commerce Center Drive. He added that acceleration and deceleration lanes will eventually be added on the frontage road and a signalized intersection could also be looked at here as well. Barbara Thomas asked if there are businesses on the frontage road. Steve replied yes.

Bret Mackay, the applicant, stated that the goal is to construct Commerce Center Drive at this point and create two parcels that will eventually be divided later. Barbara Thomas asked if Mr. Mackay will be developing the property or if it will eventually be sold. Mr. Mackay replied that he is not sure how things will play out in the future but indicated that he currently plans to be the developer. Commissioner Thomas asked if potential buyers would need to be LEED certified. Mr. Mackay replied that the goal is to be a fully certified LEED park. Jack Matheson commented that the existing swale in the area cannot be classified as a bio-swale because concrete is used for drainage as opposed to a permeable material. Bret Mackay replied that this is correct and indicated that a permeable base would be used for potential swales but this will need to be looked at and evaluated before any type of construction.

There being no further discussion regarding this application, Vice-Chairman Conder called for a motion.

**Motion:** Commissioner Matheson moved approval subject to the resolution of staff and agency comments and adding a condition that the City's traffic engineer review this application regarding the length of Commerce Center Drive.

Commissioner Woodruff seconded the motion.

**Roll call vote:**

Commissioner Bilic	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Vice-Chairman Conder	Yes

**Unanimous -S-9-2012- Approved**

**CONDITIONAL USE APPLICATIONS**

**C-16-2012**

**El Palenque (Mai Nguyen)**

**1980 West 3500 South**

**C-2 Zone (1.9 Acres)**

The applicant, Mai Nguyen, is requesting a conditional use amendment for a restaurant with beer/ dance club license and restaurant/retail use located at 1980 West 3500 South. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates General Commercial uses for this area. The surrounding zones include C-2 to the south, east and west and R-1-6 to the north. The surrounding uses include a restaurant to the west, a convenience store, auto repair and residential to the east, and residential to the north.

This application was continued from the May 9, 2012 meeting to allow time for the applicant to submit a detailed floor plan of the restaurant and clarify the hours of operation for the uses.

The Planning Commission initially reviewed this development for a renovation project on October 13, 2010 (C-25-2010). The proposal included a building remodel, enhancing the landscaping and repairing the parking lot and fencing. At this time, the building remodel and fencing have been completed. The landscaping and parking lot on site are in need of repair however, this will be completed by December 2012, per the previous conditions of approval. The signage on site will also be relocated as part of the landscaping project and the signs on the premises for tenants that are no longer operating shall be removed.



Another component of C-25-2010, included review of the tenant mix, hours of operation and parking. There are 109 parking spaces on site and the tenant mix called for a greater number of parking spaces. The businesses at this location were all licensed at the time and the tenant mix was similar to what had been approved historically. Therefore, Staff suggested to take a snapshot of the uses as they existed at that time and not allow the uses to intensify but allow them to continue to operate as they had been. The approved list is as follows:

<b>2010 CU Use</b>	<b>Business</b>	<b>Size</b>
Restaurant	Pho Green Papaya	2800
Office	Insurance Company	800
Office	Insurance Claims Company	400
Retail	Hair Salon	500
Restaurant	Bucket O' Crawfish	3000
Reception/Club	El Palenque (Sats only)	9600
Reception/Club	Victors Reception	4500
<b>Totals</b>		<b>21600</b>

The applicant, Ms. Nguyen, would like to modify the uses on site and has applied for a Conditional Use amendment to do so.

The first request is to modify the space that was previously occupied by Victor's Reception. Ms. Nguyen would like to break up this space in to 3 separate uses that would include a 2,000 square foot sushi restaurant (Fat Fish Sushi), a 1500 square foot retail space and then another 1000 square foot retail space (JSM Phone). Staff is supportive of this alteration and feels that this change would be beneficial to this site because the parking demand would be greatly decreased. The parking requirement for a 4500 sqft reception center is 90 spaces, and that requirement would go down to 40 spaces for the proposed retail/restaurant proposal.

The second request is to modify the use, square footage and hours of operation for the El Palenque dance club. The use would be expanded by the addition of an 1600 sqft restaurant that would also serve beer. The restaurant would be open from 11:00 a.m. – 9:00 p.m. Monday – Wednesday and 11:00 a.m. – 1:00 a.m. Thursday – Saturday. The dance club portion of El Palenque is now 9100 square feet after the building renovation and would operate from 10:00 p.m. – 2:00 a.m. Thursday-Saturday. The proposal is for the patrons of the two uses to mix together by opening up the back of restaurant from 10:00 p.m. – 1:00 a.m. Thursday – Saturday. However, the food and beer would not be allowed to leave the restaurant area and be taken in to the club.

The tenant mix for those proposals is as follows:

<b>June 2012</b>		
<b>Use</b>	<b>Business</b>	<b>Size</b>
Restaurant	Pho Green Papaya	2800
Office	Insurance Company	1600

Restaurant	Bucket O' Crawfish	3000
Reception/Club	El Palenque (Thurs-Sat 11pm – 2am)	8800
Restaurant	Rest w/ Beer	1600
Restaurant	Fat Fish Sushi	2000
Retail	JSM Cell Phone	1200
Retail	Vacant	1600
<b>Totals</b>		<b>22600</b>

\*\*There was a discrepancy in the square footage numbers given with the previous application. However, the parking demand is still decreased due to the conversion of the reception center.

Several of the neighbors have also voiced their concerns and submitted letters, which are attached for your review, about the expansion of the hours of operation from a one-night a week dance club to three nights when it is so close to a residential neighborhood. If this were a brand new use those impacts would be mitigated by 7-6-1012 which was added to the Code in 2007 and states the following:

**7-6-1012. ADDITIONAL REGULATION OF RESTAURANTS, DANCE HALLS, CONCERT HALLS, RECEPTION CENTERS AND CLUB LICENSEES.**

(1) It is unlawful for the keeper, manager or person in charge of any restaurant, dance hall, concert hall reception center or club licensee to permit any singing, dancing, Indoor or Outdoor Public Recreation, playing of musical instruments or any other form of amusement or entertainment to be carried on the premises when the closest point of the building is within 500 feet of any residential property line after ten o'clock P.M. (10:00) P.M. and before six o'clock (6:00) A.M. This restriction should be extended to two o'clock (2:00) a.m. on January 1 of year for New Year's Day.

(2) Parking lots must be closed and vacated within thirty (30) minutes of closing by security personnel.

This restriction was not imposed initially because of the prior use of the property and the fact that no alcohol/liquor would be permitted and the hours were limited to one-night a week (Saturday).

The complaints have also addressed concerns with noise coming from the parking lot and building, especially when the doors on site are left open while music is playing. Staff visited the site and listened to the music and discussed ways to mitigate the sound. The tenant has indicated that he will seal in the large overhead door in the back of the building and ensure that the doors stay closed while the music is playing. The Dance Club, El Palenque must also follow the guidelines set forth by the Salt Lake Valley Health Code and limit the noise after 11:00 p.m. in accordance to those standards. Staff believes these measures will help mitigate the impacts created by the dance club.

**Staff Alternatives:**

**Approval**, of the reception center conversion to retail/restaurant, the addition of a

restaurant with beer and the expansion of the hours for the dance club (El Palenque) subject to the resolution of any concerns raised at the public hearing, as well as the following conditions:

1. The approved tenant mix shall be as follows:

<b>June 2012</b>		
<b>Use</b>	<b>Business</b>	<b>Size</b>
Restaurant	Pho Green Papaya	2800
Office	Insurance Company	1600
Restaurant	Bucket O' Crawfish	3000
Reception/Club	El Palenque (Thurs-Sat 11pm – 2am)	8800
Restaurant	Rest w/ Beer	1600
Restaurant	Fat Fish Sushi	2000
Retail	JSM Cell Phone	1200
Retail	Vacant	1600
<b>Totals</b>		<b>22600</b>

2. The Dance Club space occupied by El Palenque shall only operate Thursday – Saturday from 11:00 p.m. – 2:00 a.m.
3. All signage shall meet the requirements in the Sign Ordinance and signs for tenants that are no longer operating on the premises shall be removed.
4. Loitering in the parking lot or exterior spaces is prohibited during the hours of 11:00 p.m – 8:00 a.m.
5. The rear overhead door shall be removed and sealed in with block to match the existing building. This shall be completed within 30 days of this approval.
6. All requirements of affected departments and agencies must be met including but not limited to the Salt Lake Valley Health Department, UDOT and West Valley City Public Works, Police, Fire and Building Inspection Departments.
7. Subject to review upon valid complaint.

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

**Applicant:**  
 Mai Nguyen

**Applicant:**  
 Gerardo Salas

**Opposed:**  
 Dave Caulder  
 3430 S 1940 W

**Opposed:**  
 Jack Jones  
 3440 S 1940 W

**Opposed:**  
 George Lopez  
 2010 W 3500 S

**Discussion:** Jody Knapp presented the application. Joe Garcia asked if there is an age requirement for the dance club. Jody replied no.

Gerardo Salas, the applicant, stated that he works closely with the Police Department to keep problems at a minimum. He stated that he also spoke with the neighbors to introduce himself and let them know that he is open to dealing with any concerns. He stated that he will abide by all the City requirements but he needs approval to move forward with his business. He stated that he enjoys working with people and families come to his club to dance, drink, and eat. He stated that having security makes people feel safe. Barbara Thomas asked if Mr. Salas will be managing the restaurant and club. Mr. Salas replied yes. Commissioner Thomas stated that many residents are concerned with loitering in the parking lot. Mr. Salas replied that having a restaurant will likely help alleviate this concern. He stated that people will now have the opportunity to drink inside and won't need to remain in the parking lot. Terri Mills stated that she is concerned with the business being open until 2 am. Mr. Salas replied that alcohol cannot be served after 1 am but he is open for any options.

Dave Caulder, a neighboring resident, stated that the doors for the business are often left open which is why the music is so loud. He provided pictures of El Pelenque and the reception center (which is no longer licensed) from the previous Saturday that depicted the doors open. He indicated that he made a police report on this night. Mr. Caulder stated that he feels it's a very inappropriate use for the area and is inconvenient for him and other residences. He stated that he doesn't think blocking in the door on the rear of the building will do anything and indicated that this is a very dangerous neighborhood. Mr. Caulder stated that that sound is way too loud and is a disturbance to the entire neighborhood.

Jack Jones, a neighboring resident, stated that people are constantly outside. He stated that he has asked customers why they are outside before and they have told him that it is too hot. Mr. Jones stated that adding a kitchen will just add to this existing problem. Phil Conder asked if Mr. Jones has observed security. Mr. Jones replied yes but stated that it seems to only be inside the building. Joe Garcia asked if noise has always been a concern with this building. Mr. Jones replied yes.

George Lopez, co-owner of Don Antonio's, stated that he has witnessed the noise problems discussed by the residents. He added that he has dealt with trash, graffiti, and various other crimes that occur after the club has closed. Mr. Lopez stated that he believes Mr. Salas may have been associated with Rodeo 35. He added that having security inside is not as important as having security policing the parking lot where much of the activity occurs. He stated that as a business owner he doesn't want his customers to feel unsafe and indicated that a sound wall may help or a fence to prevent people from entering his property. Mr. Lopez stated that he has been in negotiation with Ms. Nguyen for her to purchase his property and create an international marketplace that may alleviate concerns.

Mr. Salas stated that he is not associated in any way with Rodeo 35. He indicated that he doesn't have money to lease a cross access agreement for shared parking with Mr. Lopez. Mr. Salas stated that a restaurant will create a better environment and he will work to provide more security and correct the problems discussed by the residents. Commissioner Mills asked how many people can be expected at the club on a typical night. Mr. Salas replied 100-150 people.

Mr. Lopez stated that he doesn't want to create a safety concern for the club by keeping the doors closed. He stated that aside from this there is not adequate parking. He indicated that this use doesn't fit here.

Mai Nguyen, the applicant, apologized for holding a party at the reception center without a business license. She stated that Mr. Salas is a good tenant and person who tries to abide by the law. Commissioner Thomas asked if the security that is hired is able to take care of problems that occur in the parking lot. Ms. Nguyen replied yes and indicated that often they are off duty police officers.

Jody clarified the ordinance and stated that the only reason this use is allowed here is because it has been here prior to the City's incorporation. Mr. Caulder stated that he understands this but indicated that sound systems have changed a great deal since the first club in the building.

Jody explained parking ratios and stated that parking is, and always has been, a concern with this site. Jack Matheson stated that he feels the club should only be allowed to remain open until 11 pm based on noise. Jody stated that this is already a requirement from the Health Department. Commissioner Woodruff asked if the Planning Commission can require that an off duty police officer be in the parking lot. Jody replied that there is a condition in this proposal that requires the parking lot be controlled but it would be up to the applicant to decide how. Commissioner Thomas stated that the Health Department needs to be contacted to deal with the noise problems. Joe Garcia stated that this business doesn't work here and he feels that it shouldn't be operating out of this building so near residential. Jack Matheson agreed. Commissioner Woodruff agreed and added that either way this use can stay so it's really about determining which scenario is least impactful on the surrounding area. The Planning Commission and staff discussed different options for approval or denial.

There being no further discussion regarding this application, Vice-Chairman Conder called for a motion.

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

Commissioner Matheson seconded the motion.

**Roll call vote:**

Commissioner Bilic	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	No
Commissioner Thomas	Yes
Commissioner Woodruff	No
Vice-Chairman Conder	Yes

**Majority -C-16-2012- Denied**

**C-20-2012**

**Azteca Indoor Bazaar Ph III (Jose Ortega)**

**3946 West 3500 South**

**C-2 (9.7 Acres)**

The applicant, Mr. Ortega, is requesting a conditional use amendment for an expansion to an indoor retail bazaar in an existing retail shopping center located at 3946 West 3500 South. The area is zoned C-2 and the West Valley City General Plan anticipates general commercial uses in this area. This application was continued from the June 13<sup>th</sup> meeting because the applicant was not in attendance at the meeting and to allow time for submittal of a parking plan for the north side of the building.

Azteca Indoor Bazaar operates as an indoor swap meet where a variety of businesses rent booth spaces to sell new merchandise. The space also includes a grocery/meat market, bakery, tortilla shop and a food court. These uses were approved with application C-47-2004 and C-22-2008. However, since that time several interior changes have been made which include the addition of a stage area as well as an indoor soccer arena. Therefore, the Building Inspection and Fire Department have requested that an updated floor plan be submitted and these changes require a conditional use amendment as well.

The stage area is located in the north end of the building within the food court area. This space is primarily used in conjunction with the retail businesses for small talent performances or fashion show type activities and is not to be used as a reception center or dance hall. The applicant, Mr. Ortega, has indicated that they would like to use the stage area on Fridays and Saturdays from 6:00 p.m. – 8:00 p.m. and Sundays from 6:00 p.m. – 10:30 p.m. This site is located within 500' of residential property so the use must stop at 10:00 p.m. per 7-6-1012 of the West Valley City Code.

The soccer arena is located in the northeast side of the building. Mr. Ortega has indicated that the fields are used for practices as well as games Monday – Friday from 4:00 p.m. – 11:00 p.m. and Saturdays and Sundays from 10:00 a.m. – 8:00 p.m. As was previously mentioned, this site is located within 500' of residential property so this use must also stop at 10:00 p.m. per 7-6-1012 of the West Valley City Code.

Complaints about noise, garbage and traffic have been received regarding this portion of the business. It appears that the main entrance and parking areas for the soccer fields is located along the north side of the building directly adjacent to the residential properties. This space has historically been used as loading areas with limited employee parking and has not been striped or improved for patron parking or access. If the applicant wishes to utilize this area for the public a plan must be submitted that delineates the parking spaces and any interior fences or gates must be removed so the area can function properly. This would also include no parking in the posted fire lanes. Lighting shall also be installed in this area in accordance with the guidelines in section of the West Valley City Code (7-9-114) and not negatively impact the adjacent residential property.

The site must be properly maintained, including existing perimeter fencing. The site should be free of weeds, litter and graffiti. Also, trash receptacles on site must be stored properly in a designated area. Staff suggests that a masonry enclosure be constructed around the dumpsters and that they maintain a 20' setback from adjacent residential properties to help mitigate the

trash impacts on adjacent properties.

Landscaping on site is existing and has been installed along 3500 South per the conditions placed on Phase I of the development (C-47-2004). However, the landscaping in the park strip along the north side of the site is in need of maintenance. There will not be any exterior changes to the façade of the building as part of this application.

The applicant is also requesting permission to operate an outdoor summer sale in the parking lot on the weekends throughout the summer. This has historically been operated here under a temporary use, however recent changes to this section of Code no longer permit him to operate this sale every weekend throughout the summer. The proposal would be to provide a space in the parking lot so the businesses that are located within the Azteca Bazaar could display and sell their merchandise outside to attract customers to the site. The use would operate Fri-Sun, for no more than 20 vendors from May – September of every year. Any larger type event would require a separate temporary use permit.

**Staff Alternatives:**

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

1. The interior portions of the building shall be constructed per the approved plans in accordance with the West Valley City Code.
2. The stage area located in the food court shall not be used for receptions, concerts or as a dance hall. The stage shall not be used after 10:00 p.m. per 7-6-1012 of the West Valley City Code.
3. Use of the indoor soccer fields shall not be conducted after 10:00 p.m. per 7-6-1012 of the West Valley City Code.
4. If a customer entrance and parking are to be located on the north side of the building a parking plan must be submitted and approved and the area must be properly improved for this use. This would include the following:
  - Striped parking stalls and proper drive aisles
  - Lighting per section 7-9-114 of the West Valley City Code
  - Removal of interior fences for proper circulation
  - No parking in designated Fire Lanes
5. Existing perimeter fencing on site shall be properly maintained and repaired or replaced where damaged.
6. Landscaping on site shall be maintained including the park strip area along the north side of the site.
7. A 6' tall masonry enclosure must be provided for the dumpsters located on site. This enclosure must be located at least 20' from any adjacent residential property.

8. All requirements of affected departments and agencies must be met including but not limited to West Valley City Public Works, Fire and Building Inspection Departments.
9. Outdoor sales shall be permitted Friday-Sunday from 8:00 a.m. to 9:00 p.m from May – September. There shall be no more than 20 vendors in the space and all of the vendors must be currently operating a space inside of the Bazaar and have a valid West Valley City Business license.

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

**Applicant:**

N/A

**Discussion:** Jody Knapp presented the application. Barbara Thomas asked where the restrooms are located and questioned where teams would come out for the soccer events. Jody indicated where the restrooms are and stated that she isn't sure where teams will come onto the field from. Phil Conder asked how the stage is used. Jody replied that it is used for fashion shows and various other entertainment performances for shoppers. She added that tickets cannot be purchased and it cannot be a closed or organized event. Terri Mills stated that she doesn't believe outdoor vendors are necessary and the current temporary use ordinance is sufficient. Jack Matheson stated that he likes the outdoor vendors because it's similar to a farmer's market. Commissioner Mills replied that to allow this type of use should require a change in the ordinance so everyone has the opportunity. Imaan Bilic suggested a time frame for the construction of the dumpster enclosure.

There being no further discussion regarding this application, Vice-Chairman Conder called for a motion.

**Motion:** Commissioner Mills moved for approval subject to the 8 staff conditions striking condition number 9 and modifying condition number 7 to state: A 6' tall masonry enclosure must be provided for the dumpsters located on site. This enclosure must be located at least 20' from any adjacent residential property and shall be constructed within 30 days.

Commissioner Woodruff seconded the motion.

**Roll call vote:**

Commissioner Bilic	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Vice-Chairman Conder	Yes

**Unanimous -C-20-2012- Approved**



**C-24-2012**

**Truong Retail Building**

**3875 South Redwood Road**

**C-2 Zone .73 Acres**

Russell Platt, on behalf of the property owner, is requesting conditional use approval for a multi-tenant retail building at 3875 South Redwood Road. The property is zoned C-2 (general commercial) and is in an area designated by the West Valley City General Plan as mixed use. The adjacent properties are all zoned C-2, C-3 or M. However, the property to the east is in the process of a zone change to RM (residential multi-family.)

A multi-tenant building fits the definition of a shopping center and is therefore a conditional use in a C-2 zone. This property currently has a used car sales business on a portion of the property fronting Redwood Road. The building will be demolished and a new 9520 square foot building will be constructed. The proposed uses for the new building are one restaurant and the remainder of the storefronts retail. The proposed parking would meet the requirements for these uses. The building meets all the requirements of the Commercial Design Standards ordinance and the few changes that need to be made on the site plan, such as pedestrian connections and bike racks are being addressed by the applicant. A six foot high concrete or masonry wall will be required on the east side of the property due to the pending zone change for the adjacent property.

The landscaping along Redwood Road will be installed as per the requirements for the 3500 South/Redwood Road Streetscape ordinance, including pedestrian lighting. Any existing off-site improvements along 3860 South will be repaired or replaced to meet current Public Works standards.

**Staff Alternatives:**

1. Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
  - All requirements of any affected department or agency must be met.
  - All requirements of the Commercial Design Standards ordinance and the 3500 South/Redwood Road Streetscape ordinance must be met.
  - A six foot high concrete or masonry wall is required on the east property line.
2. Continuance, to allow for the resolution of any issues raised at the public hearing.

**Applicant:**

Russell Platt

**Discussion:** Ron Weibel presented the application. Jack Matheson asked if it is expensive to construct a decorative curved roof. Mr. Platt replied that it can be expensive so limiting this feature to one building will keep costs down. Mr. Platt stated that there will be glass windows, curved roofing, a 10 foot sidewalk, and landscaping facing Redwood Road.

There being no further discussion regarding this application, Vice-Chairman Conder called for a motion.

**Motion:** Commissioner Bilic moved approval subject to the three staff conditions.

Commissioner Thomas seconded the motion.

**Roll call vote:**

Commissioner Bilic	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Vice-Chairman Conder	Yes

**Unanimous - C-24-2012- Approved**

**PLANNING COMISSION BUSINESS**

Approval of minutes from June 13, 2012 (Regular Meeting) **Approved**  
Approval of minutes from June 20, 2012 (Study Session) **Approved**

There being no further business, the meeting adjourned at 6:07 p.m.

Respectfully submitted,

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Nichole Camac, Administrative Assistant