

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

August 8, 2012

The meeting was called to order at 4:05 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, Barbara Thomas, and Imaan Bilic

ABSENT

Joe Garcia

WEST VALLEY CITY PLANNING DIVISION STAFF

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

AUDIENCE

Approximately eighteen (18) people were in the audience

ZONE TEXT CHANGE APPLICATIONS

ZT-5-2012

Brian Hansen

Amending Section 11-1-104 of the sign ordinance to allow video animation on electronic message signs under certain conditions

Brian Hansen with Satterfield Helm has requested an amendment to the sign ordinance to allow video animation on electronic message signs under certain conditions. Currently, the sign ordinance allows electronic message signs to use static or animated animation but not full video animation. The definitions of static animation, animated animation and video animation are listed below:

Static Animation means text or images that have no motion. Text and/or images shall not fade, scroll, rotate or use any sort of motion.

Animated Animation means a message is displayed for a minimum of six (6) seconds and fades, for duration of at least three (3) seconds into the subsequent message. Text and/or images shall not scroll. Freeway oriented signs may be displayed for a minimum of three (3) seconds, and fades or scrolls into the subsequent message.

Video Animation means simulated movement created by the display of a series of pictures or frames, creating the illusion of continuous movement, where video clips or simulated video clips are displayed.

The applicant has proposed conditions under which video animation would be allowed. These conditions are:

1. Signs with video animation must be located at least 400' from any street.
2. Signs with video animation are only allowed for regional shopping malls.
3. Signs with video animation are only allowed for entertainment uses.
4. Signs with video animation must be used to designate the entrance of a building.
5. Signs with video animation must be adjacent to a freeway.

These conditions are intended to significantly limit the potential use of video animation.

Attached to this report is a letter from the applicant that addresses why this application is proposed.

As discussed in study session, there are three other Megaplex locations that use video animation on electronic message signs to show movie trailers by the entrance. These locations are Lehi, Centerville and Ogden. Given the significant distance of the sign from the frontage road and I-215 (approximately 500'), the sign is intended to draw theater patrons from the parking lot to the entrance of the building and is not intended to be read from I-215. Given the unique three sided design of the building and the placement of the Megaplex sign tower on the east side of the building, the video animation is proposed to emphasize the building entrance.

During the study session, the Planning Commission inquired about the size of Maverik Center and Valley Fair Mall signs along I-215. The Maverik Center sign is 864 square feet and the Valley Fair Mall sign along I-215 is 1,120 square feet with 525 square feet of the 1,120 square feet used as an electronic message sign.

Upon Planning Commission and legal review of the conditions proposed by the applicant, staff is recommending that the following conditions be imposed on the use of video animation:

1. Signs with video animation must be located at least 400' from any public right-of-way.
2. Signs with video animation are only allowed for regional shopping malls.
3. Signs with video animation must be used to designate the entrance of a building.
4. Only one sign with video animation is allowed per regional shopping mall.

The proposed reference to entertainment uses is not appropriate in that it would regulate the type of signage based on use instead of by zone.

Staff Alternatives

1. Approval of the application to amend the sign ordinance to allow video animation on electronic message signs subject to the conditions recommended by staff.
2. Continuance for reasons determined during the public hearing.
3. Denial.

Applicant:

Brian Hansen
3601 Constitution Blvd.

Discussion: Steve Lehman presented the application. Barbara Thomas asked what the size of the proposed sign will be. Steve replied that the applicant can answer this. Harold Woodruff asked why other businesses in the City would not be allowed to do an animated electronic sign. Steve replied that animation can be a distraction for vehicles driving by and added that this sign is necessary for the site to denote the entrance to the theatre. He indicated that opening up the ability for animated signs could potentially be a nuisance and could become a City wide problem. Jack Matheson asked what defines a regional mall. Steve replied that one major qualification is that there must be three major anchors.

Brian Hansen, the applicant, stated that Valley Fair Mall and Megaplex are trying to draw people in from the freeway with the large spiral sign but indicated that this will likely confuse people as to where the entrance is. He indicated that the animated electronic sign will be 25 by 17 feet and will not be clearly visible from the freeway. Brent Fuller asked how successful this would be in drawing people in. Mr. Hansen replied that there is a significant increase in sales with these types of signs. Commissioner Thomas asked if other Megaplex theatres have a sign that denotes the entrance the way this one will. Mr. Hansen replied that this is a unique feature particular to this Megaplex Theatre. Chairman Fuller stated that this may provide an unfair advantage to the theatre since no one else in the City will be able to do this. Mr. Hansen replied that other businesses have a clear entrance where this one does not. Jack Matheson asked if other entities could eventually petition a change to this sign ordinance. Steve replied yes. Phil Conder asked if any other signage is planned for the rest of the mall. Mr. Hansen replied no and indicated that the theatre will not be advertised on any of the existing mall signs. Terri Mills asked if there will be any

other advertising on the screen besides movies. Mr. Hanson replied no and added that this is part of an agreement.

Harold Woodruff stated that he feels it's a good idea to have an animated sign but feels uncomfortable excluding it to this site only. Commissioner Thomas stated that the first time someone goes to the theatre they may have a problem finding the entrance but will not have that problem repeatedly. She expressed concern that the sign will distract people from I-215 and added that she feels this type of sign will provide an unfair advantage to Megaplex. Commissioner Mills indicated that she is concerned with the content that will be displayed on the screen. Mr. Hansen stated that all content is government regulated. Commissioner Matheson indicated that he feels this Megaplex is a good business for the City and added that this sign is a great feature to the building. Commissioner Conder agreed and stated that there is a benefit with restricting an animated electronic sign to this building because there will be a history if someone wants to do something similar in the future. Commissioner Thomas stated that a regular sign will attract people as well. Commissioner Conder replied that modern technology is moving toward this type of sign and it is important for the City to move ahead.

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

Motion: Commissioner Matheson moved for approval subject to the four items listed by staff.

Commissioner Bilic seconded the motion.

Roll call vote:

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

Majority -ZT-5-2012- Approved

CONDITIONAL USE APPLICATIONS

C-26-2012

El Palenque (Gerardo Salas)

1980 West 3500 South

C-2 Zone (1.9 Acres)

The applicant, Gerardo Salas, is requesting a conditional use amendment for a restaurant with beer and dance club 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 proposal was originally reviewed on May 9, 2012, was continued until June 27, 2012 and was denied during that hearing (C-16-2012). Since that time, the applicant has met with the neighbors, the Salt Lake Valley Health Department and the Property Owner, Mai Nguyen, and has come up with a few modifications to address the concerns raised at the previous meetings.

This request is to modify the use, square footage and hours of operation originally approved for the El Palenque dance club (C-25-2010). The use would be expanded by the addition of a 1600 sqft restaurant that would also serve beer. The restaurant would be open from 11:00 a.m. – 9:00 p.m. Monday – Thursday and 11:00 a.m. – 1:00 a.m. Friday – Saturday. The dance club portion of El Palenque, which is now 9100 square feet after the previous building renovation, would operate from 10:00 p.m. – 2:00 a.m. Friday – Saturday only. 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. Friday – Saturday. However, the food and beer would not be allowed to leave the restaurant area and be taken in to the club.

Several of the neighbors have voiced their concerns with this application in the past so Mr. Salas has met with them and come up with some solutions that addressed their issues. These items have also been submitted to the Planning Commission as suggested conditions of approval. These items are as follows:

1. During El Palenque business hours the following shall occur:
 - a. An off-duty police officer will be present at all times.
 - b. There shall be at least one parking lot attendant present.
 - c. The doors will remain unlocked but closed to help decrease the noise outside of the building.
 - d. A 2x4 wall insulated with R-13 batting and 5/8” sheetrock shall be added along the North wall to dampen the noise.

Also, since the last meeting, Mr. Jorge Mendez with the Salt Lake Valley Health Department was contacted and he went out to the site and met with Mr. Salas and took some sound samples. The samples were taken during the middle of the day and the findings show that the music inside of the building only had a 1 decibel effect on the noise detected on the site at that time. The readings with the sound system off registered at 73 DBA (Max 76), and with the system on they registered at 74 DBA (Max 75) . The max allowed at 10:00 PM is 60 DBA, so for a more precise reading another sample would need to be taken during the night time hours The Health Department is considering such follow up action. Mr. Mendez prepared a brief summary, which is attached for your review.

The prior application (C-16-2012) also included a proposal by the property owner, Mai Nguyen, to convert the existing reception center facility into a restaurant/retail space. She has since decided to postpone that development because she is trying to negotiate purchasing additional property to the west of this site. So at this time the use for parking purposes is considered retail as noted in the table above. Any further modifications to that use or building

would require additional Planning Commission review. Therefore the tenant mix for this proposal is as follows:

June 2012		
Use	Business	Size
Restaurant	Pho Green Papaya	2800
Office	Insurance Company	1600
Restaurant	Bucket O' Crawfish	3000
Reception/Club	El Palenque (Fri – Sat only, 11pm – 2am)	8800
Restaurant	Rest w/ Beer	1600
Retail	Vacant	4800
Totals		22600

This potential property purchase also impacts the timeline for the remaining improvements required on the site as part of C-25-2010. The landscaping and parking lot on site must be redone and completed by December 2012. As of the date of this application, plans for this work have not been submitted and it is unlikely that there will be enough time for plan review and construction. Mrs. Nguyen has mentioned the possibility of requesting an extension on that deadline but has currently not submitted that request.

Staff Alternatives:

Approval, of the request for 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:

June 2012		
Use	Business	Size
Restaurant	Pho Green Papaya	2800
Office	Insurance Company	1600
Restaurant	Bucket O' Crawfish	3000
Reception/Club	El Palenque (Fri – Sat only, 11pm – 2am)	8800
Restaurant	Rest w/ Beer	1600
Retail	Vacant	4800
Totals		22600

2. The Dance Club space occupied by El Palenque shall only operate Friday – Saturday only 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.

2. During El Palenque business hours the following shall occur:
 - a. An off-duty police officer will be present.
 - b. There shall be at least one parking lot attendant present.
 - c. The doors will remain unlocked but closed to help decrease the noise outside of the building.
 - d. A 2x4 wall insulated with R-13 batting and 5/8” sheetrock shall be added along the North wall to dampen the noise.
5. 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.
6. Subject to review upon valid complaint.

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

Denial, for reasons raised at the public hearing, including but not limited to issues with noise, parking and loitering not being fully addressed, that the existing use should not be intensified and the conditions of the original approval (C-25-2010) have currently not been met.

Applicant:
Gerardo Salas

Applicant:
Mai Nguyen
2398 S Summit Cir.

Neutral:
Jack Jones
3440 S 1940 W

Discussion: Jody Knapp presented the application. Jack Matheson asked if the dance floor can currently be open till 4am. Jody replied that currently the club could be open Saturday only and there are no limitations on the hours of operation. Imaan Bilic asked if there is a time frame for when improvements must be completed. Jody replied that there is currently no requirement in the staff amendments. Harold Woodruff suggested that everything should be completed prior to opening.

Mai Nguyen, the property owner, stated that everything will be done before the opening of the club. She indicated that she spoke with the neighbors and they have agreed on several major points. Barbara Thomas stated that no sound check has been conducted at night and she has a concern with this. Ms. Nguyen replied that she is open to Noise Enforcement coming out at night and testing the decibels while the club is operating.

Jack Jones, a neighbor, stated that he and his neighbor walked over and met with Geraldo Salas, the applicant, and got a tour of the building. He indicated that he met with Ms. Nguyen and created a contract that addressed many concerns and seemed to have found a middle ground. Barbara Thomas asked if the music was quieter. Mr. Jones replied yes and stated that things have improved.

Phil Conder asked if the contract will be part of the conditional use. Jody replied yes and indicated that it is listed as staff item number 5. Jack Matheson stated that he has a concern with the restaurant being open as late as the dance club. He stated that

people will likely want food until 11pm and he would feel more comfortable if the restaurant closed at this time so there isn't immediate access to alcohol. Commissioner Matheson indicated that the ratio between alcohol and food would likely change significantly after 11pm. Mr. Jones stated that there is a convenience store within walking distance that serves alcohol so patrons could still get it if they wanted to. Jack Matheson asked if alcohol can be served at convenience stores until 1am. Ms. Nguyen replied yes and added that it is better to serve alcohol in the club so the amount of consumption can be managed and contained.

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

Motion: Commissioner Conder moved for approval subject to the 7 staff conditions and suggesting that the Health Department check the noise levels at night while the club is in operation and adding that the insulation and sheetrock on the wall must be completed prior to opening.

Commissioner Thomas seconded the motion.

Roll call vote:

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

Majority -C-26-2012- Approved

C-27-2012

EZPawn

4095 South Redwood Road

C-2 Zone .64 Acres

EZPawn is requesting conditional use approval for a pawn shop in an existing building at 4095 South Redwood Road. This property is zoned general commercial (C-2) and is surrounded by commercial zoning. The West Valley City General Plan designates this area as mixed use.

The subject property is an existing building on a corner pad site of a retail strip mall on the corner of Redwood Road and 4100 South. There is an existing business in a small portion of the east end of the building. The property has adequate parking for the existing and proposed businesses in the building.

The applicant has submitted a plan indicating how the landscape area will be refurbished and maintained in accordance with West Valley City landscape standards. A sign plan has also been submitted showing the proposed wall signs and two monument signs. There is an

existing pole sign that needs to be removed and all proposed signage meets West valley City sign ordinance requirements.

The commercial zone does not allow outside storage and any outside display of merchandise is also prohibited unless specifically approved by the Planning Commission and then only in areas specifically designated on a site plan and approved by the Planning Commission. No vehicles or equipment may be stored in the parking lot.

Staff Alternatives:

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
 1. All signage must meet the requirements of West Valley City ordinances.
 2. No outside storage of merchandise or vehicles shall be allowed.
 3. Landscaping on the site shall be rehabilitated and maintained to West Valley City landscape ordinance standards.
 4. No check cashing or deferred deposit loans shall be allowed.
- Continuance, to allow for the resolution of any issues raised at the public hearing.

Applicant:

Matt Wirthlin
222 S Main St.

Favored:

Kenny Allwein
39 Vista Del Mar St.
Henderson, NV 89012

Discussion: Ron Weibel presented the application. Barbara Thomas asked how much signage can be displayed in the windows. Ron replied that there is a maximum of 50% window signage that can be allowed. He stated that the applicant has indicated a small band at the top of the windows currently.

The applicant, Matt Wirthlin, stated that EZPawn will meet all land use and sign ordinance regulations. He added that he feels the conditions provided by staff are appropriate. Commissioner Thomas asked if the monument signs will advertise both EZPawn and Cricket. Mr. Wirthlin replied yes. Jack Matheson stated that the building looks to be adequate in size. Commissioner Thomas asked where inventory comes from when opening a new store. Kenny Allwein, a representative of EZPawn, replied that items are shipped from other stores.

Commissioner Thomas asked if there are any pawn shops near this location. Ron replied that there is one north of this site on the opposite side of Redwood Road. Commissioner Matheson stated that another pawn shop in the area is not a land use concern.

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

Motion: Commissioner Bilic moved for approval subject to the 4 staff conditions.

Commissioner Woodruff seconded the motion.

Roll call vote:

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

Unanimous -C-27-2012- Approved

C-28-2012

J&J Tires (Jose Garcia and Jose Serrano)

2875 South Redwood Road

Tire sales and service

C-2 zone, 0.55 acres

The applicants are requesting a conditional use amendment for a tire shop located at 2875 South Redwood Road. The General Plan designates this property as Mixed Use. The surrounding zone is C-2 with R-1-6 to the east. The surrounding uses include a restaurant which is located in the same building as this proposed use, a grocery store to the south, vacant land and residential to the north, and residential to the east.

The applicant has indicated that the tire business would handle sales and repair of new and used tires, with the possibility of adding rims and wheels in the future. They would be open Monday through Saturday from 9 a.m. until 7 p.m., and possibly have some limited hours on Sundays. This property was previously used for auto repair (C-4-2007, revoked for violation of conditions of approval) and most recently auto sales (C-29-2007) so the building is set up to accommodate this use but this portion of the site has been vacant for some time. Code Enforcement has been contacted regarding the sign, weeds, landscaping and lack of maintenance on the site so those violations and issues will be addressed separately with the property owner.

The applicant will utilize a small office and 3 service bays for the use. The minimum required parking is 10 spaces (1 space/ 400 sq ft office area + 3 spaces/ bay 7-9-104). There is existing hard surfacing on site that will accommodate this parking however, it is in need of re-stripping. The rear portion of the site has not been developed and is not part of this application. If the tenants wish to utilize any of the unpaved portions of the site in the future that would require an additional approval by the Planning Commission.

Outside storage will not be permitted at this location and all tires must be stored inside of the building. Temporary buildings or containers will not be permitted for storage. If more permanent storage space is necessary, a proposal must be submitted and approved by the Planning Commission.

Currently, there is a single tenant monument sign in front of the building that is utilized by

the restaurant tenant and the applicant does not propose to add any additional signage to that. He will however have wall signage per the West Valley City Sign Code. Any display of tires will be required to meet the standards in Title 11 of the City Code and must remain at least 20' from the front property line.

Staff Alternatives

Approval subject to any issues raised at the public hearing as well as the following conditions:

1. All signage and outdoor display shall meet the regulations contained in Title 11 of the West Valley City Code.
2. There shall be no outside storage of tires on site or storage within temporary structures. Any additional permanent structures that may be needed for tire storage in the future must be approved by the Planning Commission prior to use.
3. There shall be no vehicle sales on the premises.
4. All parking spaces shall be located on hard surfacing and striped in accordance with the West Valley City standards (7-9).
5. The landscaping shall be maintained per the conditions of C-29-2007.
6. The undeveloped portions of the site are not included in this application and shall not be used for the business without prior approval from the Planning Commission.
7. That a valid West Valley City Business License be reviewed and approved prior to any business operations on site.
8. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.

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

Applicant:

Jose Serrano
2875 S Redwood Road

Opposed:

Vicky Walker
222 S Main St.

Opposed:

Keith Deisel
222 S Main St.

Discussion: Jody Knapp presented the application. Jack Matheson stated that this building is not very large and asked if outside storage is a possibility. Jody replied no and stated that another building would need to be constructed.

Jose Serrano, the applicant, expressed concern about not being able to store tires outside. Jody stated that there are new Fire Department requirements as well as Health Department requirements that do not allow this. Barbara Thomas asked if there are enough parking spaces. Mr. Serrano replied yes. Brent Fuller asked if this business can be operated without outside storage. Mr. Serrano replied that it will be

fine for the time being but stated he would like to have a small outside display. Jody stated that a display is okay per ordinance as long as it is 20 feet from the property line. Jody stated that if more room is needed temporary storage can NOT be used, but the building could be added on to, or additional tires may be kept off-site.

Vicky Walker, a business owner in the area, stated that she objects to this application. She stated that she believes J & J tires has a recapping business that uses outside storage and has caused many problems. She indicated that this is not the type of business the property owner would like across the street from his business. Ms. Walker added that she feels there is a significant environmental concern with hazardous materials which she believes will negatively impact her property. Ms. Walker described what Phase 1 and Phase 2 contamination implies. She added that this use is not cohesive with the rest of the neighborhood. Brandon Hill stated that this is a legitimate conditional use in this area. Jody Knapp indicated that the other J & J businesses is not owned by the same people and is completely separate from this application.

Barbara Thomas asked if this business will only sell tires. Mr. Serrano replied yes. Commissioner Thomas asked if noise will be a concern for the restaurant next door. Jody replied that this half of the building has historically been used as an auto related use.

Keith Deisel, a property owner in the area, stated that the restaurant does not meet parking requirements. Jody replied that this conditional use does not address the restaurant and only applies for J&J Tires and the restaurant was approved previously through the Business License process.

Commissioner Matheson stated that he believes the applicant will need to construct another storage building. Commissioner Thomas agreed and stated that the applicant will need to figure this out when the time comes.

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

Motion: Commissioner Thomas moved for approval subject to the 8 staff conditions.

Commissioner Conder seconded the motion.

Roll call vote:

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

Majority -C-28-2012- Approved

C-29-2012
Condo Shops, Sam Spencer
2419 S. Constitution Blvd.
Auto Repair Services
M Zone (1.5 acres)

The applicant, Sam Spencer, is requesting a conditional use amendment for expansion of auto repair/service related uses. The zoning for this area is M, manufacturing and the West Valley City General Plan anticipates light manufacturing uses for this area. The surrounding zone and uses are Manufacturing.

There are three buildings on the site. The 2 buildings to the north are approximately 2,400 square feet each. The largest building on the property is approximately 15,120 square feet and consists of 28 units that are each 540 square feet. This site is used for a variety of manufacturing purposes including auto service/repair, woodworking, welding and personal storage.

Historically, there have been some parking, licensing and maintenance issues with the site. Therefore in 2004, a Conditional Use was submitted to try and mitigate some of the issues. An analysis of the parking and variety of uses was conducted and what was approved was a cap that limited the number of auto related uses that could operate from this site to nine (9) spaces in the primary building as well as the northwest building. (A copy of the original staff report and approval have been included for your review).

Since that time the applicant has kept in close contact with Staff to monitor the uses and verify compliance. However, currently Mr. Spencer is having a difficult time finding tenants that are not auto related and feels that this cap is an unnecessary burden that has been applied to his property. Therefore, he is requesting to lift the cap and be allowed to utilize the site as the market sees fit.

Parking:

According to a plat recorded in 1984, there are 58 parking spaces on site. Auto related uses typically require 3 parking spaces per service bay.

- By ordinance, 93 stalls would be required for 100% auto related uses. (28 bays in primary building, 2 in northwest building, 1 in northeast building.)

However, the applicant, Mr. Spencer, feels that due to the low volume of traffic to this site that the existing stalls, including the space inside of the building, would be enough to handle auto uses throughout the entire site.

- If the space inside the building were counted as one parking space, and 2 stalls were required outside per auto service bay, 62 stalls would be required.

Furthermore, no space has been allocated for outside storage, including storage of vehicles. There is very limited parking on site so every available space must be available and designated for customer/employee parking only.

Site Maintenance:

The parking lot is in very poor condition and is in need of maintenance. Depending on the amount of repair necessary, this improvement may require a grading and drainage plan from the Public Works Department.

There is a common restroom facility on site that has problematic. The restroom facility must be in working condition and available for all tenants and customers to use as required by the Building Inspection Department and Salt Lake Valley Health Department.

Landscaping:

The required landscaping located along 2700 West has deteriorated but is currently in the process of being maintained and updated. Per the previous approval and the Standards for Landscaping on High Image Arterials, four (4) trees need to be planted in the front setback area.

Staff Alternatives:

Approval, subject to the resolution of any concerns raised at the public hearing and meeting the requirements of all affected departments and agencies, as well as the following:

1. The site is approved for all permitted uses in a manufacturing zone, as well as auto repair uses.
2. There is to be no outside storage of any kind on site, including vehicle storage.
3. Landscaping must be completed and maintained and there shall be four (4) trees in the setback area along 2700 West.
4. All commercial business on site must be licensed by West Valley City.
5. Due to limited parking on site auto sales are not allowed at this location.
6. The parking lot and driveways must be repaired by October 1, 2012. Staff may grant a one-year extension to this deadline if the site must be fully re-engineered and reviewed by Public Works.
7. All West Valley City Fire and Building Department requirements must be met. These guidelines may limit the type of repair allowed on this site.

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

Denial, of the expansion of the uses allowed at this location. The conditions of the original application (C-39-2004) are appropriate for this site and any further expansion or intensification of uses would not be acceptable with existing conditions and the amount of available parking on site.

Applicant:

Sam Spencer
2419 S 2700 W

Opposed:

Louis Arroyo
3252 W 4340 S

Discussion: Jody Knapp presented the application. Imaan Bilic stated that there is a dumpster in front of the building in one of the pictures provided by staff. Jody replied that this is an enforcement issue. Jack Matheson indicated that a condition for the original conditional use stated that there is no outside storage of vehicles but there seems to be a great deal of this on site.

Sam Spencer, the applicant, stated that many vehicles are moved in and out of the various bays. He indicated that there are many small operations that are not auto related in this building and described these various businesses in detail. Mr. Spencer stated that he would like this conditional use amendment to be approved so that it will be easier for him and other people to get the appropriate licenses. Mr. Spencer indicated that he is trying to improve the business and get the area cleaned up. Imaan Bilic asked if parking is still a little short if all these units were auto uses. Jody replied yes and added that the applicant is asking for an exception on parking. Mr. Spencer stated that the building on the East side of the parcel has been vacant for quite awhile. Phil Conder asked how this building differs from other storage units throughout the City. Jody replied that this was originally constructed as a warehouse and manufacturing use. Harold Woodruff asked if automotive uses are allowed in this building. Jody replied yes and explained that this is currently restricted to 9 units. Barbara Thomas asked if the parking lot will be repaired by October. Mr. Spencer replied yes.

Louis Arroyo stated that the whole piece of land is completely covered with cars and junk. He stated that there are no parts kept on site so any repairing takes days or weeks to complete. Mr. Arroyo explained that there are always oil and gas leaks, flat tires, etc. He stated that many people park their cars across the street directly in front of his property which has caused a huge amount of concern and financial worries for him.

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

Motion: Commissioner Woodruff moved for denial of the expansion of the uses allowed at this location. The conditions of the original application (C-39-2004) are appropriate for this site and any further expansion or intensification of uses would not be acceptable with existing conditions and the amount of available parking on site.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Conder	Yes
Commissioner Matheson	Yes

Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Fuller	Yes

Unanimous -C-29-2012- Denied

C-30-2012

West Valley Pavilion Pad #3

2662 South 5600 West

C-2 Zone .77 Acres

West Valley Pavilion, LLC is requesting conditional use approval for a multi-tenant building on pad 3 of the West Valley Pavilion subdivision. This development is zoned general commercial (C-2) and is surrounded by commercial, manufacturing, agricultural and multi-family zoning. The West Valley City General Plan designates this area as general commercial.

The proposed building is approximately 6300 square feet and may house retail, restaurant and office/professional uses. A majority of the landscaping and infrastructure as well as all the parking is already installed as part of the overall shopping center development. The south portion of this lot already has a Maverik convenience store and gas station built and operating.

The only sign information provided is for generic wall signs. Any signage for the development will have to comply with the West Valley City sign ordinance. The building and the site must also comply with the commercial design standard ordinance.

The applicant is aware that if in the future a restaurant with a drive-through window is desired, he must submit a new conditional use application and have that reviewed. No uses that are prohibited in the 5600 West Overlay zone shall be allowed.

Staff Alternatives:

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
 1. All signage must meet the requirements of West Valley City ordinances.
 2. The building and the site must comply with the commercial design standard ordinance.
- Continuance, to allow for the resolution of any issues raised at the public hearing.

Applicant:

Not present

Discussion: Ron Weibel presented the application. Terri Mills asked if the applicant could eventually apply for a drive through. Ron replied yes and added that the applicant is aware that another conditional use amendment will need to be submitted

for this to happen. Commissioner Mills expressed concern that circulation would be a problem with a drive through on this site. Ron stated that a conditional use amendment could be denied if problems were not able to be mitigated with conditions.

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

Motion: Commissioner Conder moved for approval subject to the 2 items listed by staff.

Commissioner Woodruff seconded the motion.

Roll call vote:

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

Unanimous -C-30-2012- Approved

PLANNING COMISSION BUSINESS

Election of Chairman/Vice-Chairman for the 2011-2012 Fiscal Year-

Chairman: Phil Conder

Vice-Chairman: Barbara Thomas

Approval of minutes from July 11, 2012 (Regular Meeting) **Approved**

Approval of minutes from July 18, 2012 (Study Session) **Approved**

Approval of minutes from July 25, 2012 (Regular Meeting) **Approved**

Approval of minutes from August 1, 2012 (Study Session) **Approved**

There being no further business, the meeting adjourned at 6:35 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant