

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

August 28, 2013

The meeting was called to order at 4:01 p.m. by Chairman Phil Conder at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

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

ABSENT

N/A

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Steve Lehman, Kevin Despain, Jody Knapp, and Nichole Camac

AUDIENCE

Approximately five (5) people were in the audience

SUBDIVISION APPLICATIONS

SD-3-2013

Westridge Boulevard & Ridge Village Drive Dedication Plat 5885 West 5225 South M Zone

BACKGROUND:

Ben Huot, representing the Utah Department of Transportation (UDOT) is requesting consideration to dedicate a portion of Westridge Boulevard and all of Ridge Village Drive.

ISSUES:

This application will formally dedicate a portion Westridge Boulevard and all of Ridge Village Drive. This application includes two small pieces within the new cul-de-sac immediately to the south of The Ridge Golf Club.

Although Westridge Boulevard and Ridge Village Drive have been in existence for many years, they were not dedicated by plat. In 1998, the City reviewed and approved a dedication plat for Westridge Boulevard and Ridge Village Drive. However, a portion of the right-of-way was located within the power corridor, and unfortunately, Rocky Mountain Power was unwilling to sign the plat. Therefore, the dedication of these streets did not occur.

Because these streets were already built and used by the public, no further action was taken at that time. However, staff believes that with multiple applications being processed by UDOT in relation to the Mountain View Corridor, now is the opportune time to resolve the dedication of these streets.

The right-of-way for Westridge Boulevard will be 66 feet while the right-of-way for Ridge Village Drive will be 60 feet.

STAFF ALTERNATIVES:

- A. Approval of the Westridge Boulevard and Ridge Village Drive Dedication plat.
- B. Continuance to address issues raised during the Planning Commission meeting.

Applicant:

N/A

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

Motion: Commissioner Thomas moved for approval.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Bilic	N/A
Commissioner Fuller	Yes
Commissioner Garcia	Yes

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

Unanimous -SD-3-2013- Approved

CONDITIONAL USE APPLICATIONS

C-37-2013

McDonald's (Darrin Perkes, Dominion Engineering)

5315 S 5600 W

Fast Food Restaurant

C-2 zone, 1.08 acres

Background

This application was continued from the August 14, 2013 public hearing to address concerns regarding the site plan and access to the site off 5600 W.

The applicant is requesting an amendment to the original conditional use approval for a new McDonald's fast food restaurant located at 5315 S 5600 W. Conditional use approval was granted on June 26, 2013. Along with this approval were 8 conditions. The first condition required that the site plan accommodate 45 parking stalls. The purpose of this conditional use amendment is a request to change the required parking stalls from 45 to 40.

The 7 other conditions will be met as indicated in the approved plans. The conditions will run with the site.

The surrounding properties include a future townhome project to the west and north zoned R-1-4. There is a Maverik convenient store to the south, which is zoned C-2, general commercial. There are Kearns single family housing subdivisions to the east, none of which front on to 5600 W. The southwest corner of 5400 S and 5600 W is commercial zoning. The general plan for this area is Mixed Use, which includes commercial and medium density residential.

It is anticipated in the future that the Utah Transit Authority, UTA, will acquire right-of-way for a new Bus Rapid Transit line. This will require a purchase of an additional 30-35 feet of property. The amount of land acquired is not known for certain at this point in time. When land acquisition occurs, a transit station and median will be installed along the center of 5600 W.

Site Issues

The site is accessed off both 5600 W, which is shared with Maverik, and also off Lake Ridge Drive. Until the new UTA line is constructed, there will be a left turn lane off 5600 W. The approved site plan will allow adequate space for traffic entering for both the McDonald's and also for Maverik. Traffic exiting the site from McDonald's will also be adequately accommodated as approved by the West Valley City Traffic Engineer.

The pedestrian connection as originally approved will not be altered.

The applicant is not proposing to change the landscaping on the north side of the site that was originally approved. However, the original site plan allowed for 40' of front landscaping from the sidewalk and

under the current configuration only 37' of landscaping would be provided. The applicant is still proposing to place trees as close to the inside curb to the extent possible. Based on the projected future right of way, these trees could potentially remain. It is anticipated that 4-5 feet of front landscaping will remain.

Parking

McDonald's has proposed to incorporate a smaller building area from what was originally approved. The square footage of the building is changing from 5,526 to 4,542. As per ordinance, based on the new square footage, 50 stalls would be required. However, the number of parking spaces required may be reduced as a condition of the development review by the Planning Commission for conditional use applications if it can be demonstrated through a parking study that the proposed use would have a parking demand less than required.

As part of the original conditional use approval, the Planning Commission required 45 parking stalls. McDonald's is requesting a reduction to 40 stalls based on the following reasons:

- 70% of sales derive from drive-up orders therefore less sit-down dining is needed.
- The square footage of the building is changing from 5,526 to 4,542.
- A traffic study, which is attached, was prepared by A-Trans Transportation Engineering. The study includes the observed peak parking demand for four different McDonald's locations in the valley. Two sites are in West Valley. One is in Salt Lake off Redwood Road. One is in Murray. The observations took place between 12 and 1 pm.
 - It was observed on the busiest site that 35 stalls were utilized. The three other sites observed a usage of 22, 26, and 33 stalls respectively. The average of all sites observed is 29 stalls.
 - The study shows that the drive-thru was utilized by an average of 70% of cars entering the site. The four sites range from 64% to 72%.

Two parking stalls at the front of the building will be used as 'reserved drive-thru' parking. McDonald's often uses these stalls on other sites to allow for cars to park temporarily. It should be noted that if these stalls remain that less landscaping may remain after future widening of the right of way.

If these two stalls are eliminated, the site can be adjusted to accommodate 38 parking stalls and additional front landscaping could be allotted.

Sound

In comparison to the original site plan, the menu boards are a few feet closer to the west property line and thus, to the residential units to the west. According to the revised sound plan, the sound level reaching the nearest townhome will be around 31 decibels.

For other fast food restaurants in the past, the Planning Commission has imposed a condition limiting restaurant hours. It is now known at this time the hours of the restaurant. This will be decided by the store operator at a later date.

Staff Alternatives

Approval option #1 subject to the following condition:

1. The required parking may be reduced to 40 stalls as shown in the approved site plan.

Approval option #2 subject to the following condition:

1. The required parking may be reduced to 38 stalls as shown in the approved site plan and additional landscaping shall be provided to the front landscaped area.

The 7 other existing conditions shall remain as originally approved:

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

Applicant:

Darrin Perkes
5684 S Green Street
Murray, UT

Applicant:

Joe Perrin
1340 E Herrad Dr.
SLC, UT

Discussion: Kevin Despain presented the application. Phil Conder asked if the applicant would need to come back with a landscaping plan if the Planning Commission removed the two parking stalls on the east side of the building. Kevin replied that they would need to submit an updated plan to staff. Jack Matheson asked why staff feels the two east stalls need to be removed. Kevin replied that staff is concerned this could pose an obstruction to the flow of traffic. He indicated the stalls are not permanent parking but are designated for the drive through.

Darrin Perkes, representing the applicant, stated that the drive through stalls are critical to McDonald's operation. He stated that people who wait for large orders are directed to these stalls which help prevent the drive through from being backed up. Mr. Perkes stated that if these stalls were removed only 1.5 foot of landscaping could be gained. He indicated that delivery trucks need a certain radius that would prevent any additional modification. Mr. Perkes stated that a parking stall on the north corner of the site could be removed that could provide an additional 1.5 feet of landscaping along the east side. Joe Garcia asked if 2 parking stalls on the south side of the site could be used for the designated drive through stalls. Mr. Perkes replied that due to the layout of the site these stalls would not work because cars would have a difficult time maneuvering into them from the pick-up window. Commissioner Garcia asked if it will be difficult for cars to get out of the proposed drive through stalls on the east. Mr. Perkes replied that vehicles are able to simply pull out and shouldn't have any problems. Barbara Thomas asked if delivery trucks could enter in from 5600 W and exit on Lake Ridge. Mr. Perkes replied that the area is not large enough. Commissioner Thomas stated that the site is too small which makes everything difficult. Mr. Perkes replied that the site is actually larger than many McDonalds. He stated that there is 27 feet of landscaping that is being provided in anticipation of future road widening. Mr. Perkes stated that McDonalds made drastic concessions to provide a smaller building. Commissioner Matheson asked if the play place is still included. Mr. Perkes replied yes. Commissioner Matheson indicated that it makes sense to reduce parking for this.

Joe Perrin, representing the applicant, stated that existing restaurants used in the traffic study were selected based on location and ones that would closely represent this McDonalds. He stated that the study was conducted between 12-1 pm on a Friday when McDonald's typically experience their peak sales. Commissioner Mills asked if McDonalds is more crowded at lunch time than it is dinner. Mr. Perrin replied yes. Commissioner Matheson asked if parking is reduced for the play place area. Mr. Perrin replied that it is difficult to reduce parking based on play place area because children are typically brought to the restaurant by their parents. Commissioner Matheson asked if the restaurant being on a major arterial effects sales. Mr. Perrin replied it could increase drive through traffic.

Commissioner Mills stated that she likes the proposed landscaping but is disappointed that it will be taken. She indicated that an additional 1.5 or 2 feet being added could help significantly in the future and would be in favor of removing a parking stall in the north corner of the site to accomplish this. Brent Fuller stated that he feels more parking is important and would like to keep as many stalls as possible. He indicated that he fears the residential neighborhood may be negatively impacted if there aren't enough parking stalls on site. Commissioner Garcia and Commissioner Thomas stated that they feel landscaping is more important than one parking stall. Commissioner Woodruff and Commissioner Matheson indicated that they feel more parking is important.

Motion: Commissioner Mills moved for approval subject to reducing the required amount of parking to 39 stalls. The north side of the site shall be reduced to 14 parking stalls. Additional landscaping shall be added along the east side.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Bilic	N/A
Commissioner Fuller	No
Commissioner Garcia	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	No
Chairman Conder	Yes

Majority -C-37-2013- Approved

C-38-2013

Erin Stephenson

4969 W Birch View Court

Bright Beginnings Preschool

R-1-8 Zone (.28 acres)

The applicant, Erin Stephenson, is requesting a major home occupation as a conditional use for a home preschool named Bright Beginnings Preschool. The zoning for this area is RM and major home occupations are a conditional use in this zone. The West Valley City General Plan anticipates low density residential for this area. This is a unit within a four unit townhome complex. Ms. Stephenson is a licensed teacher in the state of Utah.

The hours for the preschool will be Tuesdays and Thursdays from 9:30 a.m. – 3 p.m. There will be two sessions and no more than 6 children per session. One session will be held Tuesdays and Thursday from 9:00 – a.m. – 11:30 a.m. and possibly a second session will be the same days from 1:30 a.m. – 3:00 p.m. The classes will be conducted indoors.

The area to be used for the preschool is on the main floor family room. This area is not specifically devoted to the home occupation. The room will resume at the family room for the residents when the children are not present. The children will have access to a bathroom on that floor and there are two points of egress in case of emergencies.

The backyard is completely fenced and private.

The driveway area provides plenty of space for two cars for drop-offs and pick ups.

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. Drop off and parking areas are to be on the driveway and may not be on the street.
2. No more than six (6) students per session.
3. Shall comply with all requirements of affected departments and agencies, including the West Valley City Fire Department and the Salt Lake Valley Health Department.
4. Subject to review upon valid complaint.

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

Applicant:

Erin Stephenson
4969 Birch View Court

Discussion: Kevin Despain presented the application. Terri Mills asked if this home could have a preschool use in the future if it were ever sold since conditional uses run with the land. Kevin replied yes and indicated that it would need to be a continuous use and could not have a lapse of more than a year or the conditional use would become invalid and reapplication would be required. Jack Matheson asked if Ms. Stephenson spoke with her neighbors regarding the preschool. Ms. Stephenson replied that notices were posted in her neighborhood and many neighbors expressed their support. Barbara Thomas asked if the morning session is 2.5 hours and the afternoon is 1.5 hours. Ms. Stephenson replied that she will only have a morning session that will last 2.5 hours.

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

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Bilic	N/A
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous -C-38-2013- Approved

C-40-2013

McDonald's (Darrin Perkes, Dominion Engineering)

3464 West 3500 South
Fast Food Restaurant Remodel
C-2 zone, .93 acres

The applicant is requesting an amendment to the original conditional use approval (C-230-74) for construction of a new building for an existing McDonald's fast food restaurant located at 3464 West 3500 South. The property is zoned C-2, General Commercial and the General Plan designates this property as General Commercial. The surrounding zone is R-1-6 to the north and C-2 on the remaining sides. The surrounding uses include West Lake Junior High School to the north and commercial retail/restaurant uses on the remaining sides.

Building

The original McDonald's restaurant was constructed at this location in 1974. There have been several modifications done to the site and the building over the years. At this time they are proposing to demolish the existing building and construct a brand new restaurant at this location. The current building is approximately 3,100 square feet and the new building will be 5,553 square feet (expansion of 2453 square feet). The architecture of the building will be updated to comply with the Commercial Design Standards and be constructed of a combination of stucco and cultured stone wainscoting with aluminum and corrugated metal accents.

Landscaping

The estimated construction costs of the new building exceed \$50,000. Therefore, the requirements set forth in the Landscaping on Major Arterials (7-13) would be applicable. In 2009, McDonalds petitioned the Planning Commission for approval of a drive aisle along the front of the building. This was proposed after a major UDOT road widening project which included installation of a center median which eliminated the left turn movement on the 3500 South side of this property. The ordinance does allow for an encroachment of an "approved vehicular access drive" (7-6-103 and 7-13-103) so the Planning Commission did approve the modification in the front setback area due to the unique configuration of this site and restricted access. Those access limitations still remain on the site so the applicant has proposed to maintain this drive aisle area and feels that with the enhanced landscaping adjacent to this aisle that it meets the intent of the ordinance.

The applicant has also indicated that they would like to maintain both access points along 3500 South. Primarily because of the flow of traffic and because the western access is one-way only and is limited to traffic exiting the site. UDOT and the WVC Traffic Engineer have expressed concerns over the proximity of the eastern access to the intersection and the preference would be for it to be closed. WVC has deemed it acceptable since the conflict occurs after the intersection and since this is a State Road the final call on a closure is up to UDOT.

Landscaping is also required along the east side of the site along 3450 West. The typical setback required adjacent to a street in a commercial zone is 20'. However, the ordinance does list the following exception:

In C-2 and C-3 zones, parking may encroach into the landscaped setback a maximum of 10 feet, providing the following conditions are met:

- i. Berming shall be provided in the remaining 10 feet to a minimum elevations of two feet above the adjacent sidewalk;
- ii. A mixture of evergreen and deciduous trees shall be planted at the ratio of one tree for each 300 square feet of the net landscape area;
- iii. The parking encroachment shall not reduce the total landscaping on the site to less than 15 percent;

- iv. This encroachment shall not be allowed when existing or proposed residential uses are located directly across a street from a commercial use; and
- v. This encroachment shall not be allowed along those arterial streets listed in Chapter 13 of this Title.

Currently, this landscaped area is 5' wide and contains lawn only. There are also currently two access points along this frontage. The applicant has proposed to consolidate those into one access point, which increases the landscaped area along this frontage. The applicant is currently reviewing the site to see if there is any way to slightly modify the site layout, without modifying the building footprint, so some additional landscaping can be added along this frontage. The issue is if that landscaped area is extended too far then it may impact the parking stalls and interfere with the existing east access along 3500 South. It may also require removal of some of the existing landscaping and mature trees along the west side of the site. Therefore, the applicant is reviewing that portion of the site and Staff will update the Planning Commission prior to the hearing. If the full ten-feet can not be achieved then the reduction would require approval through a Development Agreement.

A landscaped area five-feet wide is also required along the northern boundary of the site. There is currently a chain link fence along the western portion and then a masonry wall located slightly inside of the property line along the remaining parking lot boundary. Then there is some existing landscaping on the opposite side of the wall, which is part of the West Lake Junior High Property. The masonry wall is in need of some maintenance and repairs but the applicant is requesting approval to be able to keep that existing wall in place and not modify that area or install the required five-feet of landscaping. Staff proposes that the wall be maintained and repaired and that elimination of the five-feet of landscaping be included in a Development Agreement. The overall site landscaping currently is increasing from 10% of the site to 17% so staff is supportive of a Development Agreement reduction.

Parking

Currently, the site has 48 parking stalls and the 3,100 square foot building on site requires 36 parking stalls. The new building design will require a minimum of 60 parking stalls and the site will remain at 48 stalls. The Planning Commission may reduce the number of parking spaces required as a condition of the development review for conditional use applications if it can be demonstrated through a parking study that the proposed use would have a parking demand less than required. A traffic study was conducted by A-Trans Transportation Engineering and a copy of that study has been provided for your review. This site was included in the study, as well as three other locations between 12 and 1 pm. and concluded the following:

- o It was observed on the busiest site that 35 stalls were utilized. The three other sites observed a usage of 22, 26, and 33 stalls respectively. The average of all sites observed is 29 stalls.
- o The study shows that the drive-thru was utilized by an average of 70% of cars entering the site. The four sites range from 64% to 72%.

Therefore, the applicant feels that the reduction of parking stalls is warranted for this location.

Signage

There is currently an existing pole sign on the property. This property is less than 10 acres in size, therefore the pole sign is non-conforming. The pole sign will remain in place and will not be altered, reconstructed, raised, moved, placed, extended, or enlarged as part of this project and will be permitted to remain. If the pole sign is modified in any way as mentioned above it shall be changed so as to conform to all provisions of this Title which would require it to be removed. Wall signage is proposed for this site. Since a pole sign is present 10% of the front face is allowed for signage and 5% of the sides. The site will also contain directional signs. These directional signs shall only contain incidental

advertising so the signage permitted is similar to what was approved for the McDonald's location at 5315 South 5600 West.

Staff Alternatives

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

1. The building elevations shall comply with the Commercial Design Standards.
2. The site shall be constructed per the approved site and landscaping plans.
3. A Development Agreement is required for any landscaping reductions.
4. The masonry wall along the north property line shall be repaired and restored and shall be properly maintained.
5. Signage shall be designed in accordance with the West Valley City Sign Ordinance, including only incidental advertising on all directional signs.
6. All requirements of affected departments and agencies must be met including but not limited to West Valley City Public Works and the Utah Department of Transportation.

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

Applicant:

Darrin Perkes
5684 S Green Street
Murray, UT

Applicant:

Joe Perrin
1340 E Herrad Dr.
SLC, UT

Discussion: Jody Knapp presented the application. Jack Matheson asked if there will be less signage on the building since the pole sign is remaining. Jody replied yes and added that 5% of signage could be added to the south façade if the pole sign were removed.

Darrin Perkes stated that the owner expressed strong desires against the building elevations so a continuance is being requested in order to address these concerns. He stated that the owner would like several material changes to the building and also a removal of the proposed play place because there is no demand for it at this location. Mr. Perkes indicated the even though the play place will be removed the south elevation will still look the same. Mr. Perkes stated that alterations were made to the site to provide 10 feet of landscaping on the east side which is required by ordinance. He indicated that there will still be 5.4 feet of landscaping on the west side but existing trees will need to be removed and new ones will be installed. Mr. Perkes indicated that the front drive aisle is critical for McDonald's because it provides important circulation around the site. He stated that enhanced landscaping will continue to be provided along 3500 S. Mr. Perkes indicated that having two access points on 3500 S is also very important to the applicant. He indicated that the entrance closest to the intersection is the only entry directly off of 3500 S. Commissioner Matheson asked if there is a cross access agreement to the rear of the property. Mr. Perkes replied that he is not aware of one but indicated that the access to other properties will be kept open. Commissioner Matheson stated that he doesn't like the open gutter and questioned whether it could be buried. Mr. Perkes replied that he doesn't believe this would be possible but will look into it. He added that the drain could be made more wide so the slope is more gradual. Commissioner Matheson asked if the owner is okay repairing the masonry wall on the north side of the site. Mr. Perkes replied that the owner will stucco and paint the wall to match the building. Commissioner Garcia asked why the play place was added to this site in the proposed plans. Mr. Perkes replied that there was a miscommunication between the owner and McDonalds . He stated that a play place does not have the demand at this location.

Commissioner Matheson asked how the applicant will prevent people from entering in the exit only access along 3500 S. Mr. Perrin replied that most people will turn into the first access and indicated that it is self-regulated due to the parking layout. Commissioner Matheson asked if traffic to the rear of the site is two way. Mr. Perkes replied no but added that people will still be able to circulate and exit out of the McDonald's site. Commissioner Mills stated that she is disappointed there is no play place.

Motion: Commissioner Garcia moved for continuance.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Bilic	N/A
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous -C-40-2013- Continued

PLANNING COMMISSION BUSINESS

Approval of Minutes from August 14, 2013 (Regular Meeting) **Approved**
Approval of Minutes from August 21, 2013 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:16 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant