

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

April 25, 2007

The meeting was called to order at 4:04 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah.

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Jack Matheson, Terri Mills, Phil Conder and Dale Clayton

ABSENT: Karen Lang and Mario Cisneros

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Steve Pastorik, Steve Lehman, Ron Weibel, Hannah Thiel and Lori Cannon

WEST VALLEY ADMINISTRATIVE STAFF:

Nicole Cottle, Asst. City Attorney

AUDIENCE

Approximately 18 people were in the audience.

GENERAL PLAN/ZONE CHANGE APPLICATION:

GPZ-1-2007

Ryan Lowder

5430 West 3500 South

General Plan change from low density residential to office

Zone Change from C-2 and R-1-7 to RB

0.49 Acres

Mr. Steve Pastorik presented the application.

Mr. Ryan Lowder has submitted a General Plan/zone change application for two parcels totaling 0.49 acres located at 5430 West 3500 South. The property is currently zoned C-2 (general commercial) and R-1-7 (single family residential, minimum lot size of 7,000 square feet) with a General Plan designation of low density residential (3 to 4 units/acre). The proposed zone is RB (residential business) and the proposed General Plan designation is office.

Surrounding zones include C-2 to the east, R-2-8 to the south, R-1-8 to the west, and R-1-7 to the north. Surrounding land uses include single family homes to the south, west, and north and an office building to the east.

If this application is approved, Mr. Ryan intends to develop the property as a dentist office. Attached to this report is letter from Lyndon MacKay, the dentist that would conduct business on the subject property, which outlines the reasons for the General Plan/zone change.

For the west portion of 3500 South, the General Plan recommends commercial uses at major intersections like 5600 West and 7200 West. This property is approximately 1,000' east of 5600 West. However, only one residential use exists on the north side of 3500 South between 5600 West and the subject property. Moving from west to east, the uses beginning at 5600 West are: McDonalds, Subway, an emission's business, Checker Auto Parts, a home that has been converted to an office, a single family home, 5450 West, the subject property, and then one more commercial/office use east of the subject property.

Where there are residential uses adjacent to the subject property, staff recommends that, if the General Plan/zone changes is approved, a development agreement be required that includes items to help the office blend in with the neighboring homes. Two staff suggestions include a pitched roof and placing the parking to the side or rear of the building.

Applicant:

**Ryan Lowder
5430 W. 3500 S.**

Discussion: Mr. Ryan Lowder explained his plans for a dentist office on this property, suggesting it would be low impact to neighboring properties. His family has been concerned about the appearance of the property due to the weeds, stating this use will make the property more attractive. Commissioner Mills asked if any neighbors from the north have contacted the applicant regarding this rezoning. Mr. Lowder indicated he only received one concern, and that inquiry was very pleased the use would not be a high traffic business.

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

Motion: Commissioner Mills moved for approval of the General Plan/zone change subject to a development agreement that requires a pitched roof on the building and all parking to be placed to the side or rear of the building.

Commissioner Clayton seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – GPZ-1-2007 – approved

ZONE CHANGE APPLICATION:

Z-9-2007

Audrey Isbell

6101 West Parkway Blvd.

A-1 to A

1.1 acres

Mr. Steve Pastorik presented the application.

Audrey Isbell has requested a zone change for a 1.1 acre parcel at 6101 West Parkway Blvd. from A-1 (agriculture, minimum lot size of 1 acre) to A (agriculture, minimum lot size of ½ acre). All property surrounding the subject property is zoned A-1. Surrounding land uses include single family homes on large agricultural lots to the south, west, and east and vacant land to the north. The subject property is designated as rural residential, which allows 1 to 2 units/acre, in the West Valley City General Plan.

Development Proposal

The concept plan submitted by Ms. Isbell show two lots with the west lot at 0.5 acres and the east lot at 0.6 acres which would include the existing house. Included with this report is a letter from Ms. Isbell explaining why she is requesting the zone change.

Development Agreement

A development agreement is required for this project. Section 7-14-105 (3)(1)(x) of the West Valley City Zoning Ordinance states: "All new subdivisions involving a rezone of property, or a PUD, shall participate in a development agreement that addresses housing size, quality, exterior finish materials, streetscapes, landscaping, etc. The standards outlined in Section 7-14-105 (3)(1)(iii) shall be used as a minimum in all development agreements to address housing quality and exterior finish materials. These standards may be increased for a PUD. As part of a development agreement, if homes are permitted with less than 1,600 square feet of finished floor space, the quality of the home and the amount of masonry exterior finish materials shall be increased. For the entire subdivision, the average shall be at least 1,600 square feet."

To address the need for a development agreement Ms. Isbell has indicated in the attached letter that she is aware of all of the requirements for new homes. Based on a phone conversation with her, she plans to at least meet the City's minimum house standards.

Applicant:

Audrey Isbell
6101 W. Parkway Blvd.

Discussion: Commissioner Matheson asked if the applicant plans to have animals on the property. Ms. Audrey Isbell replied only a few small animals and no horses. Commissioner Mills wondered if a manufactured house would meet the City's design guidelines. Steve Pastorik assured a manufacturing home could meet the City's design guidelines, but modifications would be needed such as masonry, and other design requirements. Ms. Isbell said she took the City's ordinance to the home manufacturer, and was told it exceeds the guidelines for that area.

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

Motion: Commissioner Matheson moved for approval subject to a development agreement requiring the new home meet the City's minimum house design standards.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – Z-9-2007 – approved

ZONE TEXT CHANGE APPLICATION:

ZT-1-2007

Zone Text Change Manufacturing Zone

Ms. Hannah Thiel presented the application.

Legal Authority

7-6-1105 Manufacturing Zone Height Standards

Background

Staff is requesting a zone text change for the Manufacturing Zone Ordinance. This need for a zone text change came to staff's attention when an individual came into the City wondering about putting a hotel into the Manufacturing zone. He was looking to use the

same height regulations as the C-2 or C-3 zone which allows a greater height at the setback line. It was speculated that the Manufacturing zone currently does not allow heights similar to the Commercial zones due to less aesthetically pleasing manufacturing uses. The Commercial Design Guideline standards should mitigate any problems with the initial reasons to limit the height of buildings and structures in the Manufacturing zone.

This text change would allow, under the Commercial Design Guidelines, a building or structure to be erected as high as it needed to be, at the minimum required setback for the zone (twenty five (25) feet from the street property line). It would remain in the ordinance that the maximum height for a building or structure would be twenty (20) feet tall with the addition of one foot in height for every additional foot the building or structure is set back from the property line if Commercial Design Guidelines are not used or met. In addition, the ordinance would still limit height and setbacks next to residential zones regardless of the use of Commercial Design Guidelines. The Planning Commission voiced concern about future residential uses that are not currently zoned residential in the Study Session on April 4, 2007. Height and setback regulations would only be limited to existing or proposed residential areas (see 7-6-1105(2)).

This application was continued from Planning Commission Public Hearing meeting on April 11, 2007. It was continued to allow Commissioners a chance to evaluate all potential building uses that could be put into the Manufacturing Zone.

Discussion: Commissioner Clayton was concerned about the height of buildings with no limit and only a 20-foot setback. He was also concerned regarding the continuity of surrounding development and impacts on neighboring properties. Commissioner Mills would not encourage the extra height around residential, but would encourage additional design standards. She found it interesting that next to residential, increased design standards are not required because the City is not permitting them to have the extra height. Commissioner Mills was also concerned about no limit on height. She perceived with that type of an open box, the City would be uncertain what it might end up with.

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

Motion: Commissioner Conder moved for approval of the zone text change of the Manufacturing Zone Ordinance subject to conditions placed by the Planning Commission.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	No
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Majority – ZT-1-2007 – approved

ZT-2-2007

Zone Text Change Sign Ordinance

Ms. Hannah Thiel presented the application.

Legal Authority

Title 11 Sign Ordinance

Background

Staff is requesting a zone text change for the Sign Ordinance. This text change would add a section regarding Electronic Message Signs to the Sign Ordinance, and would clean up the existing ordinance regarding freeway-oriented pole signs as well as monument signs on corner lots. The existing ordinance minimally refers to electronic message signs, which creates some confusion as to the City’s standards. Furthermore, the freeway-oriented signs section is not as clear as it could be regarding the height exception. The height exception allows the signs to go 65 feet tall at the minimum front yard setback of 30 feet (derived from the maximum setback for the maximum height in the Manufacturing zone). This rule has been in practice by staff, but is not very clear in writing. Finally, monument signs are permitted as one per 200 feet of frontage. It has been in staff’s practice that if a business is on a corner lot, that business owner may have one sign per side with street frontage, which is currently not very clear in the ordinance.

This text change would allow electronic message signs in the C-2, C-3, and M zones. The signs would have restrictions on brightness during the day and the night, percentage of monument, wall or pole sign the electronic message sign may use, distance to a residential property line, and so on (see proposed ordinance). The text change would also

allow electronic message signs in the RB, B/RP, and C-1 zones, with slightly more strict regulations as these zones often border residential properties. The signs would have restrictions on brightness during the day and would have to be turned off at night, percentage of monument, wall or pole sign the electronic message sign may use, distance to a residential property line, and so on (see proposed ordinance). The term for brightness is also added to the definitions section, and the electronic message signs are referenced in the zones for which they apply in the Sign Ordinance.

Matters of Concern

After being contacted by Reagan Signs, it came to staff's attention that not allowing off premise signs would not allow billboards to use electronic message signs. An exception to the off premise requirement has been made for billboards and billboards have been added to the list of signs in 11-5-107 (1) and (2) that may use electronic message signs.

Sign companies have had concerns with the proposed electronic message sign ordinance. Letters regarding their concerns are attached. Sign companies have had the following concerns regarding the electronic message signs:

1. 11-5-107(1)(a) and (2)(a) allow an electronic sign to occupy a maximum of 30% of a sign's face. It is desired for the maximum to be 100% coverage and 50% coverage.
2. Electronic message signs should be available to all pole signs whether new or existing.

The Planning Commission brought up several concerns in the Study Session held on April 18, 2007. The concerns are as follows:

1. The size and electronic message coverage on the E-Center Sign
2. The sign distance required from residential properties may not be necessary if the electronic message sign is located on a monument and is blocked by a building.
3. The term 'message' could be understood to mean picture or text. Where perhaps text should meet the 30% coverage standard, the picture may not have to...the meaning of 'message' may need to be defined.
4. Locations of existing electronic message signs Planning Commission could look at.
5. Electronic message signs may not be appropriate in certain zones, including the City Center.
6. It may be better to limit the maximum height an electronic message sign could occupy rather than limit the coverage of the sign by a percentage of the sign.
7. Maximum wattage may be a better way to limit the lamination of signs than the percent brightness.
8. It may be wise to limit the minimum distance between electronic message signs.

Staff would like to respond to a couple of the concerns brought up in Study Session by Planning Commissioners.

1. Attached are pictures and addresses (some approximate) of electronic message signs. Some are small, some are large and some are animated. These pictures should give an idea as to the types of signs this ordinance should address.
2. The proposed ordinance does not allow electronic message signs in certain zones, including; Agriculture, Mixed Use, City Center, or Residential zones. Staff thought the other zones should be appropriate to have electronic message signs, given greater restrictions when surrounding residential zones.
3. Please review the attachment regarding brightness and maximum watts for electronic message signs.
4. The maximum height for the electronic message signs is somewhat addressed by the signs on which the electronic message signs are located. By only allowing a certain percentage of the sign to be an electronic message sign, it may make businesses want to build signs to the maximum permitted size. If a sign height and width regulation was put on signs, it would aid in keeping sign sizes down. A set size limitation could be a slightly more complex formula if it was different for each type of sign at different heights and square feet, but may be worth keeping sign sizes somewhat smaller. Please see attached size guidelines for different signs based on the 30% coverage standard.
5. Currently, monument, billboard, and pole signs are regulated with a minimum distance between the signs. As electronic message signs would be incorporated into a sign, they would need to meet the existing spacing requirements. However, the spacing requirements do not cover wall signs and the proposed electronic message sign ordinance could be altered to have a set space requirement just for electronic message signs regardless of what type of sign they are located on.
6. Concerns brought up in the Planning Commission Study Session that are not addressed in this analysis will be addressed in the Work Session prior to the Public Hearing on Wednesday, April 25, 2007.

Concerned:
John O'Donnel
4100 South Bangerter

Concerned:
Dewey Regan
1775 N. Warm Springs Rd.

Concerned:
Kirt Brimley
7148 S. 300 W.

Discussion: Commissioner Matheson confirmed 30% of the face of the sign could be the maximum amount for electronic message signs. He mentioned monument signs typically have two faces visible. He asked if a message sign was placed on both sides of the sign, would it be considered two signs. Hannah Thiel replied no, because it is set on one monument sign. Commissioner Conder was concerned about the setting of the brightness being governed and monitored by sign companies. He wondered what would happen if the sign company who determined the brightness of a sign went out of business. Hannah explained this ordinance would set the percent before the sign is ever placed on the property. She noted a company going out of business is something to consider in

determining who would get access to the sign. Commissioner Fuller wondered if a sign with 30% messages on both sides of the sign would be considered 60% on entire sign. Hannah replied yes, one entire sign could have 60% if the front and back were utilized and added together.

Mr. John O'Donnel, Chief Operating Officer of the Granger Medical Clinic, was concerned about their two monument signs. One sign is on Bangerter, but partially obscured due to UDOT's fence and construction. The other smaller monument sign is located in the middle of the building as viewed from the side. He said they hoped to place a message banner on the smaller monument sign. Mr. O'Donnel wondered if that sign would be in conformance, due to the residential across the street on 4100 South being less than 200-feet. Hannah agreed it would be difficult to meet this ordinance with residents located directly across the street. Mr. O'Donnel suggested they be allowed to discuss this with the City in the future and ask for input from neighbors regarding the sign design. He also mentioned having the manufacturing company design the sign so that it would only be viewed by on-coming traffic and not directly across the street.

Mr. Dewey Regan, General Manager for Regan Outdoor Advertising, asked if the definition of brightness could differ from manufacturer to manufacturer. Hannah stated the brightness for sign colors can vary, but the brightness can be set. She said brightness is the term that comes when signs are ordered, and a maximum can be set. Mr. Regan suggested this be looked at further, as different manufacturers have different brightness requirements. He asked if it would be possible to have two message centers with a business that has two frontages. Hannah answered only one sign per parcel. Mr. Regan asked if this was a conscious decision with this proposal and was told yes, it was. He understood concern regarding brightness and animation, not wanting to impact people sleeping at night, but said some type of criteria should be established. Mr. Regan believes if done properly, the entire face of a sign could be covered on off premise signs. He informed that manufacturers are creating full screens, not half message and half non-message boards. Mr. Regan reminded the message boards are more easily maintained and paper billboards become dilapidated more quickly. Electronic LED screens that meet the City's standards will look more attractive than today's billboards. He requested the Planning Commission allow off-premise signs be allowed to have LED signs, where the brightness, animation and hours can be adjusted.

Mr. Kirt Brimley of Young Electric Sign Company reported they currently have two full-size billboard signs with full matrix electronics. He reported they are now building several 100 units for companies around the country. Mr. Brimley stated UDOT has been supportive of this product which eliminates traffic issues when displayed properly. He said these signs are the wave of the future, and will replace older billboards. The signs are easy to maintain, dependable, and have more options for advertising. Mr. Brimley was concerned about the proposed size limitation, assuring they have had no problems or

reports of traffic safety issues with this new product. He suggested any limitations or conditions may result in problems in the future, as the industry is changing rapidly. Mr. Brimley explained that watts are not an accurate measurement, as the signs are now LED. He noted that just by adjusting the brilliance, it could be increased or decreased definitely. Mr. Brimley indicated more discussion is needed between the City and businesses, stating more research should be performed to determine the impact. Commissioner Conder asked who currently stops the placement of distracting signs. Mr. Brimley answered UDOT has restrictions on startling or stark color changes and other distractions. Commissioner Conder asked if UDOT regulates brightness. Mr. Brimley replied yes, but they have no specific reading, as one standard does not meet every location, and variation is needed. He explained luminosity is a complicated issue. He said even if it is all the same brightness, different colors are perceived by eyes differently. Commissioner Matheson was interested in what UDOT had to say about the signs. He said he was not opposed to fairly large signs, but was not sure about full billboards. Commissioner Fuller agreed he was not ready to make an intelligent decision at this time, suggesting a more total sign review is needed. Commissioner Mills asked if electronic signs would still be allowed to come into the City during this time. Nicole Cottle answered that any application received after today or prior to today must comply with the new requirements. She said as long as the City is expediting this process, any new applications must wait until the results have been determined.

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

Motion: Commissioner Fuller moved for a continuance.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – ZT-2-2007 – continued

ZT-3-2007
Zone Text Change Temporary Use

Ms. Hannah Thiel presented the application.

Legal Authority

7-2-116 Temporary Land Uses

Background

Staff is requesting a zone text change for the Temporary Land Uses Ordinance. This need for a zone text change is due to safety concerns with the sales of fireworks without a storage container to keep the fireworks in. The ordinance currently does not allow storage containers with temporary uses as they are not very aesthetically pleasing, may take up required parking, and are generally not approved on site plans that are submitted for businesses. The Fire Department requires fireworks to be stored in a confined area outside of the tent or selling area. Building inspections considers storage containers temporary for up to 90 days, where they do not need a permit if they are less than 120 square feet. By allowing storage containers for fireworks sales, it would aid in the safety concern of individuals storing fireworks in their cars, bringing them home with them, and/or keeping them out in the open in a chain link fenced area.

This text change would not allow storage containers for temporary uses except for fireworks sales. Each temporary use permit would be limited to one (1) storage container that is less than or equal to 120 square feet. As brought up in Planning Commission Study Session on April 18, 2007, this ordinance would also limit the material a storage container could be made of to a non flammable material approved by the Fire Department.

Concerned:

Joey Witter

124 W. Burton Ave.

Discussion: Commissioner Conder asked if the City was requiring vendors who have fireworks to have them stored in containers instead of storing the fireworks at home. Hannah Thiel explained the vendors want to use storage containers, and the Fire Department wants vendors to use storage containers, but the City cannot make the vendors use the storage containers. Commissioner Conder wondered if a larger storage would be needed due to a very large display. Hannah indicated the vendor would need a permanent foundation and a building permit if the storage container was larger than 120 sq. ft. Commissioner Matheson asked if a business could use a container to store

Christmas supplies. Hannah mentioned this is only for temporary firework uses, and could not be used for temporary uses such as vending carts or tree sales. Commissioner Mills suggested the container be removed earlier than 90-days after the sales.

Joey Witter was in favor of this application for storage containers. He discussed dangerous situations with vehicles delivering 500 pounds of fireworks on City streets. Mr. Witter believes this ordinance will eliminate vendors sleeping in tents and campers containing large amounts of fireworks. He explained that since the containers are metal, dangerous situations would be minimized if a fire occurred. Past sales have been scaled back in West Valley due to dangerous conditions, and his company typically only has one or two locations instead of a dozen locations in West Valley. Mr. Witter explained the companies have many containers, and it may take a while to remove them. He suggested the time limit be two weeks after the sale for removal of the containers. The storage containers are placed two-weeks before the sale, and then filled up. During the Pioneer Holiday, the storage containers should be left, but they could be removed within two weeks after the Pioneer Holiday. Mr. Witter requested the size of the containers be increased, stating smaller containers limit the product, and result in more product being transported on the roads. Commissioner Conder asked if fireworks are sold during the New Years Holiday. Mr. Witter replied this is not typically done. Chairman Woodruff suggested three weeks be allowed for the firework vendors to remove the containers.

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

Motion: Commissioner Conder moved for approval of the zone text change of the Manufacturing Zone Ordinance subject to conditions placed by the Planning Commission which include limiting temporary storage units to be placed three weeks before and three weeks after State allowed selling dates for fireworks.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	No
Chairman Woodruff	Yes

Majority – ZT-3-2007 – approved

SUBDIVISION APPLICATION:

S-49-2006
Giovengo Acres Subdivision – Preliminary Plat
Tom Giovengo
R-1-8 Zone
55 Lots
16.2 Acres

Mr. Steve Lehman presented the application.

BACKGROUND

Mr. Tom Nixon, representing the property owner, is requesting preliminary approval for the Giovengo Acres Subdivision. The subject property was rezoned in 2006 from the M zone to the R-1-8 zone. A development agreement was reviewed and approved as part of the rezone process.

The subdivision is located in an area that is likely to be impacted by the future Mountain View Corridor. The attached map shows how UDOT's preferred alignment for the Mountain View Corridor impacts this property. The property owner and UDOT have been in negotiations regarding the potential acquisition of this property. To staffs knowledge, a resolution has yet to be reached, and as such, staff is obligated to process the application submitted by Mr. Giovengo.

STAFF/AGENCY COMMENTS:

Public Works Department:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Concerns regarding ground water investigation as it relates to surface water and shallow ground water. A soils report will be required and a review will need to be done by the City prior to a final plat.
- Will need to coordinate storm water issues. A detention basin will be required somewhere within the subdivision.
- Contact Salt Lake County Auditor's Office for approval of street names and subdivision names.

- Revisions to plat required.
- Street cross sections to be approved by the City Engineer.

Building Division:

- Will need to submit a soils report.

Utility Companies:

- Standard Utility Easements required.

Granger Hunter Improvement District:

- Project is subject to all GHID requirements and design standards.

Fire Department:

- Proposed fire hydrant locations need to be shown on subdivision plat.
- Project shall meet all provisions of Fire Code relating to this type of development.

ISSUES:

The Giovengo Acres Subdivision consists of 55 lots on approximately 16.2 acres. This equates to an overall density of 3.4 units per acre. Lot sizes range from 8,000 square feet to 14,193 square feet. The average lot size has been calculated at approximately 9,330 square feet. Lots 10-15 do not meet the 80-foot frontage requirement. For these lots, the developer is applying a provision in the ordinance that allows up to 25% of the total lots to have a reduction in the frontage of up to 15%. For these lots, dwellings will need to be 200 square feet larger than the size specified in the development agreement. All dwellings will be 100% masonry as defined in the development agreement.

A number of lots front 6000 West. Typically, these lots would be wider and deeper because of their proximity to a busy street. In anticipation of the Mountain View Corridor, staff has been informed that 6000 West will not connect with 4700 South as it is currently configured. Because of this, staff will not require the wider or deeper lot dimensions. This is consistent with what has previously been done on the west side of 6000 West in the Vistas Subdivisions.

As mentioned previously, the City and developer negotiated a development agreement to address building size, lot size, architectural style, building materials, and front yard landscaping. Provisions of this agreement will be addressed with each home builder and will be reviewed as part of each building permit.

Access to the subdivision will be gained from 6000 West and from a stub street in the Vistas Phase 2 Subdivision to the north. The developer will also be providing stub streets along the eastern boundary of the subdivision in order to access future residential development east of the Rocky Mountain Corridor.

As the Planning Commission is aware, properties east of 6000 West face challenging design and access issues because of the Mountain View Corridor. Staff has met on numerous occasions with UDOT, Mr. Giovengo, and Boyd Brown. These discussions have generally centered on the best way to plan for residential development in these areas while trying to accommodate the proposed Mountain View alignment.

During these discussions staff has been informed that 6000 West will not connect with 4700 South as it does today. During the formal review process of the Vistas Subdivision, the Planning Commission and City Council made known their intent that a connection from 6000 West to 4700 South was a necessary component for successful traffic circulation and movement in this area.

Since this roadway connection is important to the City, staff discussed possible ways to achieve a connection with 4700 South through both the Giovengo and Brown properties. One specific alternative seemed to work best. A concept plan was drawn that illustrates how this road would traverse both the Giovengo and Brown properties. The City Engineering Division evaluated the road, its width and alignment and agreed that it would work. The physical location also seems to work with the eventual crossing of the railroad and freeway bridges.

The proposed Giovengo Acres Subdivision does not take into account the roadway mentioned above which will be needed to connect 6000 West with 4700 South once the Mountain View Corridor is constructed. Staff believes that the preliminary plat should be modified to accommodate the road design that has been conceptually approved by the City and UDOT.

The subdivision is located in an area that has some challenging ground water problems. Although subsurface water reports across 6000 West and immediately to the north in the Vistas Phase 2 Subdivision did not exhibit high ground water tables, the developer will need to provide a new soils report. This report will need to be provided and reviewed by the City Engineering Division before the final plat can be reviewed by the Planning Commission.

The southern boundary of the subdivision is adjacent to the Denver & Rio Grande Western Railroad. City ordinance requires that this area be fenced with a 6-foot non-climbable chain link fence. In other developments adjacent to railways, the Planning Commission has allowed vinyl fencing to be used. Should the developer make this request, staff would support the vinyl fence.

The proposed subdivision is located in the outer ring of the overpressure zone. City ordinance will require that certain construction standards, specifically stronger windows be applied for new dwellings. A note regarding the OPZ will be attached to the subdivision plat.

As with other subdivision development in this area, there are concerns with the noise from concerts held at the USANA Amphitheater and from potential impacts of the Frito Lay manufacturing plant. These concerns were addressed with the Vistas development agreement, but have not been with this developer. Staff will recommend that similar notes be placed on the plat notifying potential residents of these impacts.

Applicant:

**Tom Nixon
2965 W. 4700 S.**

Discussion: Commissioner Mills was concerned about the depth of the homes, asking why they were not the same depth. Steve Lehman explained staff and the City's Legal Department determined this was not needed as 6000 West would not go through due to the Mountain View Corridor. He assured the lots would be wide enough for a circular driveway and garage. Commissioner Fuller asked what the average time is between preliminary and final plat approvals. Steve replied it usually takes five to six months from start to finish. He reminded that the applicant has one year after final plat approval to record the plat.

Mr. Tom Nixon, representing the applicant, assured he understands the conditions and is in agreement with them. He informed of ongoing discussions with UDOT, resolving access issues, and the loss of one lot. Commissioner Matheson felt comfortable with proceeding with this applicant, as he believes the revised plat will address the road issues. Commissioner Conder asked about sound issues and was assured staff's condition #9 would address this.

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

Motion: Commissioner Matheson moved to grant preliminary plat approval for the Giovengo Acres Subdivision subject to the following conditions:

1. That the Subdivision be guided by the recorded development agreement. All builders in the subdivision shall be provided a copy of this agreement from the applicant
2. That the developer contact the Salt Lake County Auditor's Office regarding the subdivision name and all street names associated with the development.
3. That compliance be made with the Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection. The developer shall resolve the water issue prior to review of the final plat.
4. That the developer coordinate issues regarding storm drainage with the City Engineering Division.
5. That the developer coordinate all matters associated with any irrigation or open ditch systems with the City Engineering Division. The developer shall coordinate this issue with any water users and the City Public Works Department as part of this recommendation.
6. That 6000 West be dedicated and improved according to plans and profiles approved by the City Engineering Division. All other interior streets, including design shall be approved by the City Engineering Division.
7. That a soils report be completed prior to final plat review.
8. That all single-family dwellings be subject to the construction standards outlined in Section 7-10 of the West Valley City Code. This section outlines the requirements for construction within the Overpressure Zone.
9. That a note be placed on the plat notifying potential residents that this subdivision is located near manufacturing property and an entertainment venue, and may be subject to noise and odors associated with manufacturing and entertainment uses.

10. That 4575 South be redesigned in order to align with the projected road in the Boyd Brown property to the east. The redesign of this roadway and modified plat will be brought back to the Planning Commission in a future study session.

Commissioner Clayton seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – S-49-2006 – approved

CONDITIONAL USE APPLICATIONS:

C-30-2006

**Ivie Acres – Sherrie Ivie
6994 West Parkway Boulevard
A Zone (2.26 Acres)**

Mr. Ron Weibel presented the application.

The following conditional use application was approved on December 13, 2006. However, it is being brought back before the Planning Commission to amend a condition of approval per section 7-7-106(2a) of the West Valley City Code, to set a deadline for receiving a USDA permit for this use.

The applicant, Sherrie Ivie, requested a conditional use permit to commercially raise, rent, train, graze and breed a variety of farm animals for a mobile petting zoo. She also requested approval to increase the number of animal points allowed on the property. The

zoning for this area is A, Agricultural. The West Valley City General Plan anticipates Rural Residential uses for this area. The surrounding zone and uses include Agricultural north of Parkway Boulevard and single family residential south of Parkway Boulevard.

As part of the conditions of approval, the applicant, Sherrie Ivie, was given until March 13, 2007 to apply for a USDA permit. From discussions with the USDA, staff was under the impression that a USDA inspection was automatically scheduled upon making an application and there was a deadline for compliance. However, after further discussions with the USDA, and speaking with inspector for this particular application, Judy Davis, it appears that this is not the case. The USDA does not have their own time-line in place for the initial inspection and they rely on the applicant to set up the initial inspection appointment, which can be at any time the applicant chooses. However, once the inspection process begins the applicant has 90 days and a total of 3 inspections to get in to compliance with the requirements. If the applicant fails the inspections they are put on probation for 6 months and can not apply for another permit during that probation period. The animals may remain on the property during this probation time but they may not be used for display/business purposes.

Ms. Ivie did meet the original condition of approval and applied for her USDA permit by March 13, 2007. She also contacted the USDA and the initial inspection with Judy Davis was conducted on April 13, 2007. However, the site did not pass this initial inspection because animals were not properly contained in permanent pens and the facilities were not fully completed yet. A copy of the USDA report has been attached for review.

Although the inspection process has begun, staff feels the original conditions of approval do not address this process correctly. Therefore, staff would like to add a specific date and condition stating that a USDA permit must be obtained by July 10, 2007 (90 days after initial inspection).

Also, as part of the initial application, the animal points for this property were increased. In an agricultural zone 200 animal points are allowed per acre of property. Ms. Ivie's property is 2.26 acres, which would allow for a total of **452** animal points. Most of the animals are smaller or miniature animals (20 points) which include, mini horses, dwarf goats, sheep, donkeys, mini llamas, alpacas, mini Cows, etc. Therefore, the Planning Commission approved a total of **800** animal points for this property. As you can see from the attached sheet, there are currently **839** animal points on the property. Furthermore, animals in this category that are under one-year of age are not counted in the total points. Therefore, there would be a total of **1019** points if the animals under one-year were counted. Staff feels that the animals points need to be adhered to at this time and the applicant should not be over the 800 points allocated to her.

Additional Information:

Currently West Valley City Code Enforcement is working with Ms. Ivie on a Solid Waster complaint for the property. Staff feels like this issue, and the timeline for compliance for this case, are a separate issue and will be handled through the Code Enforcement process.

Furthermore, West Valley City Animal Services will be conducting their own review, and since the animals are currently present on the site, the conditions must be adequate to care for those animals and the animals points must be adhered to. West Valley City Animal Services will also be setting their own timeline for compliance with any of their issues separate from this conditional use approval.

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

Motion: Commissioner Fuller moved for 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. Maximum of 800 animal points allowed.
2. A USDA permit must be applied for by March 13, 2007.
3. The Planning Commission will review the reports from any of the USDA inspections in a following study session.
4. A USDA permit must be obtained by July 10, 2007 or the animal points will revert back to a maximum of 452 points.
5. If Sherrie Ivie and Ivie Acres are no longer occupying the property, in order to maintain any additional animal points over the maximum allowed by ordinance, the new owner or occupier shall apply for a Conditional Use Amendment to the Planning Commission.
6. Must obtain a West Valley City Business License.
7. The petting zoo is to be mobile and patrons shall not come to the site for this portion of the business.

8. Must have approval from all affected agencies and departments including the West Valley City Fire, Animal Services and Code Enforcement Departments. As well as the USDA, Salt Lake Valley Health Department and any other affected agencies.
9. Subject to review upon valid complaint.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – C-30-2006 – conditions amended

C-4-2007

**J & A Family Services
2875 S. Redwood Road
C-2 Zone (.70 Acres)**

Mr. John Janson presented the application.

The following conditional use application was approved on February 14, 2007. However, it is being brought back before the Planning Commission for possible revocation per section 7-7-110(1) of the West Valley City Code, which states the following:

A conditional use permit shall be revocable by the Planning Commission at any time due to failure of the owner or operator of the use to observe all conditions specified in issuing the permit.

The applicant, Juan Gonzalez, requested a conditional use permit for an auto service business. The zoning for this area is C-2, General Commercial. The West Valley City

General Plan anticipates Mixed Use or General Commercial uses for this area. The surrounding zones are C-2 and R-1-6. The surrounding uses include a restaurant in the adjacent tenant space in the building, a grocery center to the south, and single family residential to the east.

The applicant proposed to utilize the existing building for an auto repair business, which would include work on brakes, suspension systems, transmissions and engines. The repair work would not include body-work or a paint booth.

As part of the original conditions of approval the applicant was required to apply for a building permit for the building remodeling that had occurred (See condition number 12). Mr. Gonzalez was given 2 weeks from the hearing date to apply for the building permit, which expired March 1, 2007. A building permit has not been applied for.

Furthermore, vehicles waiting for repair were not to be stored on site until a designated area was completed in the rear portion of the lot that was hard-surfaced, screened and landscaped (See conditions number 1, 2, and 6). This storage area has not been completed and a site visit was conducted on April 18, 2007 and there were approximately 20 vehicles being stored on the site.

Lastly, although a time limit was not given for the conditions regarding the completion of the landscaping or installation of the dumpster enclosure, a business license can not be issued until all of the conditions on site are completed. Therefore, Mr. Gonzalez should not be operating the business. However, Mr. Gonzalez has been conducting business and he has been told by Code Enforcement several times to stop operations with out the proper licensing.

Therefore, Staff feels that the lack of compliance with the conditions of approval are grounds to revoke the conditional use permit. Please see attached pictures and original conditions of approval.

Applicant:
Juan Gonzales
1202 South Modesto Circle

Concerned:
Lois Kehr
1642 West Shelley

Discussion: Mr. Juan Gonzales hired a contractor, but was told it would require \$90,000.00 to complete all that the City required. He explained he is only leasing the property, and the owner does not want to spend that amount of money to improve the site. Chairman Woodruff asked if the applicant applied for a building permit. Mr. Gonzales replied no, as he told his contractor to discontinue due to the cost of repairs. Chairman Woodruff asked if the applicant was performing work at the location. Mr. Gonzales answered yes, and he asked if he could finish the work they are currently doing. Commissioner Conder asked how long it would take to finish working on the existing

vehicles. Mr. Gonzales assured he could complete the repairs and be moved by the end of May 2007.

Ms. Lois Kehr submitted a letter to the Planning Commission. She stated this area is being used as a junk yard with 14 junk vehicles. She said nothing is being repaired, and the property is in the same condition since the business started. John Janson read Ms. Kehr's letter to the Commission.

Commissioner Mills asked how long the applicant would typically have to clean up their site or move out. John replied there is no standard. Commissioner Mills asked if 30-days would be appropriate. John answered that 30-days may be a good idea so the City does not have to move the vehicles. Commissioner Clayton noted it is difficult to see a business owner struggle with this type of situation, while still looking out for the best interest of the community. He said he did not see another other alternative. Commissioner Conder wondered if the property owner could allow another similar business on this site. John explained that similar conditions would be required, and if not completed, a revocation would also occur with any new business.

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

Motion: Commissioner Conder moved for approval of the request to revoke the conditional use approval for application C-4-2007 due to the applicants failure to observe all conditions specified in issuing the permit per section 7-7-110(1) of the West Valley City Code. The applicant would be allowed 30-days from the date of the public hearing to remove vehicles before any enforcement occurs. The site must be vacated by May 29, 2007.

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous – C-4-2007 – conditional use revoked

C-12-2007
UTOPIA
5545 West 3100 South
UTOPIA Fiber Optic Hub
R-1-10 Zone

Mr. Ron Weibel presented the application.

UTOPIA is requesting a condition use permit for a fiber optic hub building on 0.2 acres of city-owned land adjacent to Fire Station 74. This property is zoned R-1-10 (single-family residential with a minimum 10,000 sf. lot area) and is classified as low-density residential in the West Valley City General Plan. Surrounding zones include C-2 to the north and west, and R-1-10 to the south and east. The 5600 West Overlay zone begins on the north side of 3100 South, opposite the fire station. Centennial Park is to the south and east of the site. To the north is the Shoppes at Lake Park development consisting of Kohl's, Michael's and Petco. This application includes an easement for the hub building and for buried conduit. Pending approval of the conditional use permit, the easement will be recorded by the city.

The proposed fiber optic hub is similar in size and function to the hub that was recently built northwest of the E Center, however the proposed building includes a masonry veneer that complements the existing fire station. Exterior electrical equipment will be on the north elevation of the building, facing the fire station. There is no equipment on the roof of the structure, and the architect has specified a small parapet. The project will include a generator cabinet to be installed adjacent to the existing emergency generator for the fire station.

All public utility installations (except lines and rights-of-way) are considered conditional uses in residential zones.

Issues

Notwithstanding the structure's architectural features, staff recommends enhanced landscaping near the existing generator cabinet to better screen the structure from view, especially from the adjacent ball field and the housing south and east of Centennial Park.

Of particular concern is the concrete curb that extends approximately seven feet from the north side of the hub. The site plan indicates that the curb is to be filled with washed gravel. As this site borders a major city park, staff recommends a hedge or some other landscaping feature along the curb or in place of the gravel.

Applicant:

Kerry Howes
3752 W. 2270 S.

Discussion: Mr. Kerry Howes assured he is prepared to meet all staff's requirements. Commissioner Mills asked if there would be any roof mounts. She suggested at least an 18-inch parapet be placed in case there are any future roof mounts. Ron Weibel agreed that a parapet should be higher than any placed mechanical equipment, as well as matching the building's colors. Chairman Woodruff mentioned if anything is placed on the roof, the application could be required to come back to the Planning Commission for approval. Commissioner Matheson asked what the projected time would be for Utopia's service to be installed in West Valley City. Mr. Howes mentioned due to funding delays, it may be approximately six months. He said Phase 2 has been delayed, although he was not aware of the exact schedule for West Valley City. Mr. Howes assured they have eight to ten active areas that have been marketed, sold and service has been provided. Commissioner Matheson asked if the projected cost of service was more than what was projected. Mr. Howes explained that UTOPIA does not supply the service, but only provides the infrastructure. He commented service for a user is approximately \$39.95 per month. Mr. Howes commented the footprints are in, but it jogs throughout the City. Commissioner Matheson requested a report and projections before any support is given. Nicole Cottle reminded the Commission must make their decision based on the land use application.

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

Motion: Commissioner Mills moved for approval subject to the following conditions:

1. The applicant must receive approval from all applicable agencies and City departments.
2. A parapet wall will be required at the time of construction of the building.
3. Additional landscaping to screen the structure from view from the Centennial Park ball fields and from the housing to the south and east.
4. Additional landscaping along the curb that extends approximately seven feet to the north of the structure, or in place of the proposed washed gravel inside the curb.
5. The buildings elevation must be brought back to the Planning Commission for review.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	No
Commissioner Lang	Absent
Commissioner Matheson	No
Commissioner Mills	Yes
Chairman Woodruff	No

Split vote – C-12-2007 – motion does not pass

Discussion: Commissioner Matheson perceived the Commission must know if UTOPIA is on schedule and going forward. Commissioner Clayton reminded that this a small building, tucked behind the City's fire station. He noted it is aesthetically pleasing, and includes the infrastructure that is needed if UTOPIA moves forward. Commissioner Fuller suggested if mechanical equipment is placed on the roof, then a parapet could be placed on the roof.

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

Motion: Commissioner Fuller moved for approval subject to the following conditions:

1. The applicant must receive approval from all applicable agencies and City departments.
2. Roof mounted equipment, such as air conditioning units, has not been proposed as part of this application. If roof mounted equipment is needed in the future, such equipment must be screened from view by a parapet wall.
3. Additional landscaping to screen the structure from view from the Centennial Park ball fields and from the housing to the south and east.
4. Additional landscaping along the curb that extends approximately seven feet to the north of the structure, or in place of the proposed washed gravel inside the curb.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Cisneros	Absent
Commissioner Clayton	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Lang	Absent
Commissioner Matheson	No
Commissioner Mills	Yes
Chairman Woodruff	Yes

Majority – C-12-2007 – approved

C-13-2007

**Juan Manuel Cardenas, Auto Body and Paint Shop
2642 South 2700 West
Manufacturing (M) zone, 0.45 acres**

Ms. Hannah Thiel presented the application.

Legal Authority

7-6-1103 Manufacturing Zone Conditional Uses

Background

Juan Manuel Cardenas is requesting a conditional use approval for an auto body and paint shop located at 2642 South 2700 West. Mr. Cardenas is not the owner of the property and would lease it from the owner. An auto body and paint shop is a conditional use in an ‘M’ or manufacturing zone. This property occupies 0.45 acres of land. The General Plan designates this property as light manufacturing.

The applicant has noted in the attached letter that JMC body would be open Monday through Saturday from 8 a.m. until 7 p.m. and would comply with ETL standards and NFPA rules. Currently, there is a wall sign on the building. JMC body supplies enough parking for an automotive shop as long as the spaces are not occupied with vehicles in

need of service. The minimum required is 9 spaces plus 4 spaces for the other office use in the building for a cumulative minimum of 13 spaces. The site currently has 18 spaces.

The property on all sides of 2642 South 2700 West are zoned M and are designated light manufacturing under the General Plan. As the surrounding uses are zoned Manufacturing, staff does not see this use adversely affecting neighbors or neighboring zones.

Applicant:

**Juan Manuel Cardenas
2642 South 2700 West**

Discussion: Chairman Woodruff assured that without signatures, this is not a legal application. Nicole Cottle acknowledged this. Chairman Woodruff said this should be continued until the application is signed.

No motion made or required.

PLANNING COMISSION BUSINESS

Approval of minutes from April 11, 2007 (Regular Meeting) **Approved**
Approval of minutes from April 18, 2007 (Study Session) **Approved**

There being no further business, the meeting adjourned at 6:05 p.m.

Respectfully submitted,

Lori Cannon, Administrative Assistant