



**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**March 23, 2016**

The meeting was called to order at 4:02 p.m. by Chair Meaders at 3600 Constitution Blvd., West Valley City, Utah.

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Brent Fuller, Matthew Lovato, Jack Matheson, Clover Meaders, and Martell Winters

**ABSENT**

David McEwen, Latai Tupou, and Harold Woodruff

**WEST VALLEY CITY PLANNING DIVISION STAFF**

Brock Anderson, Ryan Harris, Jody Knapp, Lee Logston, Steve Pastorik and Brenda Turnblom

**ATTORNEYS**

Brandon Hill and Freyja Johnson

**AUDIENCE**

There were 11 people present in the audience.

## **GENERAL PLAN/ZONE CHANGE APPLICATION**

### **GPZ-3-2015**

**Joe Colosimo**

**4500 S 2700 W**

**General Plan change from non-retail commercial to medium density residential**

**Zone Change from A to RM**

**15.61 acres**

Joe Colosimo has submitted a General Plan/zone change application for a 15.61 acre parcel located at 4500 S 2700 W. The property is currently zoned A (agriculture, minimum lot size ½ acre) with a General Plan designation of Non-Retail Commercial. The proposed zone is RM (residential, multi-family) and the proposed General Plan designation is medium density residential (7 to 12 units/acre).

Surrounding zones include R-1-8 (single family residential, minimum lot size 8,000 square feet) to the north, R-2-8 (residential duplex, minimum lot size 8,000 square feet) to the west, A to the south and PO (Professional Office) to the east in Taylorsville. Surrounding land uses include single family homes on 8,000+ square foot lots to the north, single family homes on lots averaging less than 5,000 square feet to the west, a State owned driver training course to the south and office buildings to the east in Taylorsville. Aside from animal use, the subject property is vacant.

The applicant is planning to develop the property into a 104 unit senior condo project similar to other senior condo projects in the City like Valley Vu Villas, Hunter Villas, Reunion Woods and Majestic Villas. The “senior” designation means that 80% of the units must have at least one resident that is at least 55 years old. This provision would be included in the CC&R’s and the HOA will be responsible for enforcement. The proposed density of the project is 6.7 units/acre. A concept plan is included with this report along with information from the applicant to support and further describe this application. Also included are elevations and a rendering of the proposed condo buildings. More details about the proposal are covered below under the development agreement discussion.

By way of background, the General Plan designation on this parcel along with many other properties throughout the City were changed by the City in July of last year to encourage larger lots and higher value housing. The subject property was changed from Residential Office, which allowed office uses as well as medium density residential, to Non-Retail Commercial.

In addition to the changes to the General Plan map, the City’s Zoning Ordinance was changed relative to zone change applications. Under the new ordinance, zone changes to the RM Zone can only be considered by the City if the following three conditions are met:

1. For properties without existing structures which are proposed to be developed, the property must be a minimum of two acres and the density must not exceed twelve units per acre. For properties with existing structures proposed to be redeveloped, there is no minimum acreage requirement, but the density must not exceed twenty units per acre.
2. The property shall either i) have access and frontage on a street with a planned right-of-way width of at least 80’ (for properties under two acres) or 100’ (for properties two acres or larger) as indicated on the Major Street Plan or ii) be adjacent to existing multi-family residential development on two sides.

3. A development agreement must be proposed with the zone change application that addresses dwelling unit sizes, exterior materials, architecture, landscaping, and project amenities.

This application meets the first condition in that the property is over two acres and the proposed density is below 12 units/acre. For the second condition, the subject property has access and frontage on 2700 West, which has a planned right-of-way width of 100'. On the third condition, the following was proposed by the applicant:

- Dwelling unit sizes: The senior condos will be between 1,500 and 1,800 square feet in area above grade.
- Exterior materials: Exterior materials will be fiber cement siding, stone or brick and up to 15% stucco.
- Architecture: The proposed architecture is portrayed in the attached elevations.
- Landscaping: Open space represents 49% of the site.
- Project amenities: Project amenities include 2 car garages for each unit; a clubhouse; a pool; consolidated open space; an entry feature; landscaping along 2700 West; a walking trail; outdoor patio space for each unit; an E-system for each unit that allows lights, locks and the thermostat to be controlled remotely via a mobile device; solar panels and post and panel concrete fencing around the entire perimeter.

As the Commission evaluates this application, there are essentially two questions to consider. The first question is are senior condos an appropriate use for this property. The second question is a follow up question to the first. If senior condos are an appropriate use, is the proposed quality sufficient to meet the goals of the City?

The points below may help the Commission answer the first question.

- There are no stub streets to the two adjoining residential developments to the north and west.
- The Salt Lake County Assessor shows home values in the \$170s for the neighboring subdivisions. According to the applicant, the proposed condos would sell for \$275,000 to \$310,000.
- 2700 W is a 100' right-of-way, five lane arterial street that is serviced by UTA bus route 227.
- Average annual daily traffic (AADT) on 2700 W for 2014 was 15,980. A five lane arterial can handle a traffic volume of 26,500 at a level of service (LOS) C and 30,500 at an LOS D. According to the Institute of Transportation Engineers, condos that are not aged restricted generate 5.81 trips per day. Condos that are age restricted generate 3.48 trips per day.

If the Commission believes that senior condos are appropriate here, the quality of the proposal should then be considered.

#### Dwelling Unit Sizes

While not as large as the minimum size required for single family detached homes, the proposed sizes for the units are comparable to other senior condo developments in the City.

#### Exterior Materials

The proposed materials meet the City's multi-family residential design standards.

#### Architecture

The architecture will be subject to the City's multi-family residential design standards. Assuming this application is approved, a comprehensive review of the building plans will verify

compliance with the design standards. Based on a preliminary review of the elevations by staff, the proposed buildings seem to meet the design standards. For comparison, staff has included photos of other senior condo developments with this report. The latest rendering includes windows in the garage doors and an offset between garages. During the study session, covered entries were suggested as an additional enhancement to the front elevations. This suggestion was forwarded to the applicant.

#### Landscaping/Open Space

The condominium ordinance includes the following language: “Open space shall be provided and shall not be less than 50 percent of the site area in residential condominiums which contain multiple unit structures having three or more units per structure. Reduction may be made to this percentage of required open space by the Planning Commission and upon a showing that the open space in the site area will provide amenities; which will substantially meet the needs of future residents.” The proposed amount of open space is 49%. For comparison, below are the open space percentages for the four existing senior condo developments within the City:

- Majestic Villas – 42%
- Reunion Woods – 43%
- Valley Vu Villas – 50%
- Hunter Villas – 50%

For the streetscape along 2700 West, the City’s ordinance states: “Where a solid visual barrier fence over two feet in height is installed along a minor arterial or major arterial, the fence must be setback at least ten feet from the public sidewalk to allow space for landscaping.” The City can approve a different standard via a development agreement.

The applicant’s concept includes a 5’ parkstrip with street lights and street trees, a 5’ sidewalk and 5’ of landscaping between the 6’ wall and the sidewalk along 2700 West. Reducing the 10’ required between the sidewalk and the wall to 5’ would create more useable space on the west side of the wall. For reference, examples of landscaping and walls along other streets in the City are included with this report.

#### Project Amenities

The City’s multi-family residential design standards require projects with 100 or more units to include at least six amenities from a list included in the ordinance. The following amenities are ones proposed by the applicant that count toward the six required: swimming pool, clubhouse, garages, fitness room, walking/exercise trail and private patios. Other amenities proposed by the applicant include solar panels, an E-system for each unit to be controlled by a cellular device and a roughly ½ acre open space area adjacent to the clubhouse.

#### **Staff Alternatives:**

1. Approval of General Plan/zone change subject to a development agreement that requires:
  - a. All of the commitments made by the applicant and
  - b. The following additions recommended by staff:
    - i. The minimum amount of open space shall be 49%.
    - ii. The wall along 2700 West shall be setback a minimum of 5’ from the public sidewalk.
    - iii. The spacing and type of trees to be planted in the parkstrip shall be determined during the subdivision review process.
    - iv. The spacing and height of the streetlights in the parkstrip shall be determined during the subdivision review process.

- v. The amount of solar panels to be installed shall be determined during the subdivision review process.
  - vi. The wall type along 2700 West shall be the Canyon Stone design presented by the applicant.
2. Continuance, for reasons determined during the public hearing.
  3. Denial, the property should be developed as office as anticipated in the General Plan.

**Applicant:**

Joe Colosimo  
155 West Malvern Avenue, Suite C  
Salt Lake City, UT 84115

**Discussion:**

Joe Colossimo is excited to offer solar as an amenity. Auric Solar will install the solar panels. The solar panels should generate enough solar to power the clubhouse. There will be an electrical meter installed in case of cloudy days. Joe Colossimo said an E system will be offered to control house locks and thermostats. A new product called Dwelo Smart Home Automation will be used to control cable tv and internet.

Commissioner Matheson asked how the grade changes on the property will be dealt with. Joe Colossimo said the current owner has brought in enough fill to mitigate the grade change. He will keep a geo tech on retainer to deal with engineering issues.

Joe Colossimo said there is a 20' sewer, water, and power easement on the north side of the property. He will have to chase sewer 1100 feet to the east, almost to I-215.

Commissioner Winters and Chair Meaders approve of the design and quality of the development and feel that senior condos are a good use for this property.

**Motion:** Commissioner Matheson motioned to approve GPZ-3-2015 subject to the six conditions listed in the staff report.

Commissioner Winters seconded the motion.

**Roll call vote:**

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner Matheson	Yes
Chair Meaders	Yes
Commissioner Winters	Yes

**Unanimous – GPZ-3-2016 – Approved**

## **ZONE CHANGE APPLICATION**

### **Z-1-2016**

**West Valley City**

**5200 W Lake Park Blvd.**

**M to A-2**

**28.95 acres**

West Valley City staff has requested a zone change on a 28.95 acre parcel at 5200 West Lake Park Blvd. from M (manufacturing) to A-2 (agriculture, minimum lot size 2 acres). Surrounding zones include M to the north, west and a portion of the south, RM (residential, multi-family) and C-2 (general commercial) for the remaining south portion and A-2 to the east. Surrounding land uses include Knight Transportation to the north on the other side of the Riter Canal; the Highbury Centre retail development to the west; a medical clinic, apartments and an elementary school to the south and vacant ground to the east. The subject property is designated as community use in the West Valley City General Plan.

The current owner of the property is the Granite School District. Up until recently, the School District had planned to construct a junior high school on this property. For this reason, the General Plan designation on the property is community use. However, staff learned that a school is no longer planned for this site and the School District is now looking to sell the property.

Given the neighboring residential and commercial uses to the south and west and the future residential to the east, staff is concerned that many of the allowed uses in the M Zone would be inappropriate on this site and would not be compatible with the Highbury development. The proposed A-2 Zone still allows for a school; however, it does not allow the industrial uses that would be incompatible with surrounding development.

To be clear, staff does not expect A-2 Zoning to remain on the property indefinitely. Rezoning the property to A-2 allows the City to explore development options with the School District without the risk of an incompatible use showing up.

### **Staff Alternatives:**

- Approval of the zone change to the A-2 Zone.
- Continuance, for reasons determined at the public hearing.

**Discussion:** Commissioner Matheson asked Steve Pastorik why not change the zoning of this property to RE rather than A-2? Steve Pastorik answered that there has been preliminary discussion of a use that is not residential on this property. There are different uses that are appropriate here that are not residential, but are also not industrial.

**Motion:** Commissioner Lovato motioned to approve Z-1-2016.

Commissioner Matheson seconded the motion.

### **Roll call vote:**

Commissioner Fuller	Yes
Commissioner Lovato	Yes

Commissioner Matheson	Yes
Chair Meaders	Yes
Commissioner Winters	Yes

**Unanimous – Z-1-2016 – Approved**

## **ZONE TEXT CHANGE APPLICATIONS**

### **ZT-1-2016**

#### **West Valley City**

#### **Amending Section 7-6-305 to allow patio covers to encroach into the rear yard setback**

The Planning Commission approved an ordinance amendment to allow patio covers to encroach the rear yard setback during the February 10, 2016 Public Hearing. After the hearing, while staff was gathering the required documents to send down for the City Council, it was discovered that there was an error in the public noticing for the ordinance change. The ordinance amendment has been correctly noticed and is now before the Planning Commission for approval.

The ordinance revision came about after a concerned resident approached the City Council about his inability to have an attached patio cover in his back yard due to zoning regulations. The Council agreed with some of the resident's points and directed staff to prepare an ordinance revision that would provide an exception in rear yard setbacks for patio covers. Currently, a patio cover attached to the back of a home must adhere to rear yard setback regulations. In a typical single family zone the rear yard setback is 20'. Many of the newer homes in the City are built at or close to the rear setback line. In order to have a patio cover at these homes under the current code it has to be detached at least 3' from the dwelling, and cannot take up more than 25% of the backyard area.

The proposed ordinance change would allow patio covers in the back yard as follows:

- (7) Patio covers that are attached to the home may encroach into the rear yard setback. Covers over decks that are more than 30" from finished grade shall not encroach into setbacks. Patio covers that encroach into the rear yard setback shall meet all of the following standards:
- a. The patio cover shall meet the side yard setbacks required for the appropriate zone.
  - b. The patio cover shall be at least five feet from the rear property line.
  - c. The patio cover shall not encroach on any recorded easements.
  - d. On double frontage lots or corner lots, patio covers shall not be allowed within 20 feet of any dedicated street, unless a sound wall exists separating the street from the patio cover. Where a sound wall exists, the patio cover shall be at least five feet from the rear property line.
  - e. The patio cover, together with any accessory buildings, shall occupy no more than 25 percent of the rear yard.
  - f. The patio cover shall not function as a storage area for vehicles.
  - g. No more than three feet above the finished floor elevation shall be enclosed.
  - h. The patio cover shall not be converted to living space for a dwelling.
  - i. The patio cover shall be subordinate in height and area to the primary building.

Allowing patio covers to be attached to the home and encroach the rear yard setback rather than detached 3' from the home does not create any more of a negative impact on the subject lot or neighboring lots. The overall effect is virtually the same. The 25% maximum backyard coverage parameter keeps the regulations consistent with accessory buildings and requires the majority of the back yard to be open. The 5' minimum setback from the rear property line is a building code regulation and would be required whether the patio cover was detached or attached to the home. The building code also requires that the structures be finished with all-weather materials.

The second part of the ordinance amendment is basically a reformatting of 7-6-305(6)(a), regulations for accessory buildings in the rear yard.

*(6) Accessory buildings placed in the rear yard shall meet the standards in 6(a). Accessory buildings placed in the side yard shall meet the standards in 6(b).*

~~*⊖ Accessory buildings may be located in the rear yard to within one foot of the side and rear property lines, provided the buildings meet all of the following standards: has at least three feet of separation from the rear of the dwelling, does not encroach on any recorded easements, and occupies no more than 25 percent of the rear yard, and is located no closer than 10 feet to a dwelling on an adjacent lot. On double frontage lots or corner lots, accessory buildings shall not be allowed within 20 feet of any dedicated street, unless a sound wall exists separating the street from the accessory building. Where a sound wall exists, the accessory building shall be at least 1 foot from the side and rear property lines.*~~

- i. Accessory buildings shall have at least three feet of separation from the rear of the dwelling.*
- ii. Accessory buildings shall not encroach on any recorded easements.*
- iii. Accessory buildings shall occupy no more than 25% of the rear yard.*
- iv. On double frontage lots or corner lots, accessory buildings shall not be allowed within 20 feet of any dedicated street, unless a sound wall exists separating the street from the accessory buildings. Where a sound wall exists, accessory buildings shall be at least one foot from the side and rear property lines.*

This section is currently written in paragraph form. The text amendment would organize the same content into a numbered list format, similar with other sections of the code. One item, which is a 10' separation requirement for detached structures from dwellings on adjacent lots, would be eliminated, as it could prohibit a property owner from putting an accessory building in the corner of his property if the adjacent property owner has a patio cover 5' from the rear property line per the proposed ordinance change. Also, the 10' spacing requirement does not correlate with any building code regulations.

**Staff Alternatives:**

1. Approval of the ordinance amendment as written
2. Approval of the ordinance amendment with revisions as recommended by the Planning Commission.
3. Continuance, for reasons determined during the public hearing

**Discussion:** Commissioner Matheson asked if building a patio cover requires a building permit. Brock Anderson answered that anything attached to the home does require a building permit.



**Motion:** Commissioner Fuller moved to approve ZT-1-2016.

Commissioner Winters seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner Matheson	Yes
Chair Meaders	Yes
Commissioner Winters	Yes

**Unanimous – ZT-1-2016 – Approved**

**ZT-2-2016**  
**West Valley City**

**Adding Section 7-2-133 to cap the number of tenants within anchor buildings**

West Valley City staff is recommending the addition of Section 7-2-133 to the Zoning Ordinance. If adopted, this Section will place a cap on the number of tenants that can be within an anchor building. The proposed language for this Section is as follows:

“Any existing retail building that is over 25,000 square feet in area and located within the CC, C-1, C-2, C-3 or M Zone shall be limited to the number of licensed tenants existing within such building as of the effective date of this ordinance plus two additional tenants. Vacant tenant spaces within existing buildings shall be counted toward the number of tenants allowed. Temporary licenses shall not be counted toward the number of tenants allowed. The provisions of this section shall apply to all buildings or portions of buildings meeting the zone and size requirements set forth herein as of the effective date. This section shall apply even if a future subdivision of the property creates a lot or parcel containing a portion of a building smaller than 25,000 square feet.”

City staff is proposing this ordinance for the following reasons:

Anchored retail centers have lower vacancy rates than anchorless centers.

Retail anchors are essential businesses that drive traffic to a retail center or area. Data from the real estate industry shows how anchored centers have lower vacancy rates than anchorless retail. Commerce Real Estate Solutions tracks retail vacancy by the type of retail. As seen in the table below, anchorless retail centers in Salt Lake County have had the highest vacancy rates of all retail types for every year since 2006 except one. When compared with the overall vacancy rate for all retail, anchorless retail has averaged nearly five percentage points higher, an increase of over 60%.

Salt Lake County Vacancy Rates by Retail Type

Retail Type	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Regional Mall	1.1%	0.6%	5.6%	5.1%	12.1%	9.7%	8.5%	7.5%	8.2%	5.6%
Regional Center	3.9%	4.6%	7.0%	8.1%	8.5%	10.1%	8.0%	6.7%	5.7%	4.5%
Community Center	7.8%	5.8%	7.7%	7.6%	7.6%	7.7%	7.3%	5.4%	5.5%	5.5%

Neighborhood Center	10.0%	8.1%	7.7%	9.2%	8.7%	9.2%	9.2%	8.3%	6.4%	6.8%
Anchorless Center	15.3%	12.2%	15.3%	13.6%	13.4%	16.6%	15.0%	9.0%	7.6%	7.5%
Total	7.8%	6.4%	8.3%	8.3%	9.1%	9.7%	8.9%	6.9%	6.2%	5.8%

Source: Commerce Real Estate Solutions

Commerce Real Estate Solutions also tracks retail vacancy rates for six submarkets within Salt Lake County. West Valley City is located within the Central West submarket. Over the last two years this submarket has had the highest retail vacancy rate of the six submarkets. This means that attracting anchors is especially important for the City.

The size of 25,000 square feet was selected based on staff research, which is included with this report, on commercial building sizes. Strip mall type buildings were all under 25,000 square feet. Uses like typical (non-specialty) grocery stores and discount retailers were all over 25,000 square feet.

Recent experience shows that anchor tenants spend more on building remodels.

Of all real estate types, retail buildings have the shortest life span ranging from 20 to 30 years. This means that within 30 years of a retail building’s construction, it will need significant remodeling or redevelopment. In West Valley, several remodel examples of older commercial/retail buildings included in the table below show that those who remodel for anchor tenants spend significantly more than those remodeling for multi-tenant purposes.

Previous Tenant and Address	New Tenant	Construction Valuation of Remodel	Building Size (Sq. Ft.)	Value/ Sq. Ft.
Hollywood Connection -3231 S Decker Lake Dr	SPS Financial Services	\$8,200,000	163,856	\$50.04
Fresh Market - 3420 S 5600 W	VASA Fitness	\$2,300,000	41,228	\$55.79
Rite Aid - 3460 S 5600 W	Salt Lake Community College	\$1,065,000	27,867	\$38.22
Deseret Industries - 4650 S 4000 W	Harbor Freight (portion of a 44,985 sq. ft. building)	\$220,000	22,583 of 44,985	\$9.74
Food 4 Less - 1500 W 3500 S	Indoor Swap Meet (Multi-Tenant)	\$86,500	60,288	\$1.43
Salvation Army - 3958 W 3500 S	Azteca Bazaar (Multi-Tenant)	\$183,050	49,500	\$3.70

Retail anchor buildings aren’t designed to accommodate multiple tenants.

Introducing multiple tenants into a building designed for one tenant triggers many code requirements for things like exits, fire sprinklers, licensing, material storage, etc. While physical changes can be made to such buildings to comply with code requirements, the frequent tenant changes that occur in a multi-tenant building create a huge enforcement challenge for the City, especially when permanent walls are not constructed for tenant spaces. Examples of the types of challenges include: which businesses are licensed, what area within the building is associated with which tenants and are fire exits being maintained given a changing floor plan.

Loss of anchors can deter economic development efforts

While the introduction of a strong anchor like Costco was the catalyst for redevelopment efforts at Valley Fair Mall, the loss of an anchor can deter economic development efforts. High quality, national tenants that pay high rents want to be in newer, vibrant retail centers and not in or adjacent to a 40 year old building with little or no upgrades.

**Staff Alternatives:**

1. Approval.
2. Continuance, for reasons determined during the public hearing.
3. Denial.

**Discussion:** Commissioner Matheson asked what happens to buildings that are in noncompliance. Steve Pastorik answered that this zone text change will not be retroactive, it will only address future building conversions.

**Motion:** Commissioner Winters moved approve ZT-2-2016.

Commissioner Lovato seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner Matheson	Yes
Chair Meaders	Yes
Commissioner Winters	Yes

**Unanimous – ZT-2-2016 – Approved**

**ZT-3-2016**

**West Valley City**

**Adding Sections 7-33-101 through 7-33-103 to define and establish regulations for Tobacco Oriented Businesses**

West Valley City staff is recommending the addition of Sections 7-33-101 through 7-33-103 to the Zoning Ordinance. If adopted, these Sections will define Tobacco Oriented Businesses and impose restrictions and disclosure requirements on such businesses. The proposed language for these Sections is attached to this report.

In 2012, the City adopted regulations for Retail Tobacco Specialty Businesses following changes in State Code that required cities to impose such regulations. A copy of the current regulations on Retail Tobacco Specialty Businesses is included with this report. The State and City adopted these standards due to the following effects from tobacco businesses or smoke shops:

- Increases in a wide variety of crime, including theft, property crime, assault, public intoxication, and disorderly conduct.
- Increased risk of distribution of illegal drugs, both on the premises and in the surrounding area.

- Decreased property values on nearby parcels and surrounding businesses, with several desirable businesses refusing to locate near such establishments.
- Decreased investment in buildings hosting such businesses, impeding economic development and redevelopment efforts in the surrounding community.

A challenge for the City and businesses in the current regulations is in the definition of Retail Tobacco Specialty Business. An establishment is a Retail Tobacco Specialty Business City if “the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment.” Enforcing this provision from the City’s prospective is difficult if not impossible. Meeting this provision from a business perspective is challenging from an accounting standpoint and because the volume of sales of certain products change over time.

The proposed ordinance was prepared to address this issue by setting clear, enforceable standards for businesses selling tobacco products. In drafting these standards, staff’s intent was to leave out typical convenience stores and grocery stores that sell cigarettes and e-cigarettes from the regulations by setting a floor area percentage used for the sale or display of tobacco products at 2%. Staff contacted Maverik and learned that their tobacco display areas represent less than 1% of the store area. Based on field trips to other convenience stores and grocery stores, staff is confident that the 2% floor area regulation will not affect typical convenience stores and grocery stores.

The intent in proposing these latest standards is not to impose new regulations on Retail Tobacco Specialty Businesses but to create a new category of business. In other words, for the purpose of City regulations, a business is either a Retail Tobacco Specialty Business or a Tobacco Oriented Business but not both.

The separation requirements for Retail Tobacco Specialty Businesses and Tobacco Oriented Businesses are similar but not exactly the same. Included with this report are two maps that estimate the locations where Retail Tobacco Specialty Businesses and Tobacco Oriented Businesses would be allowed. It’s important to note that some of the restrictions are difficult to map; hence, these maps are approximate. Individual applications will be reviewed on a case by case basis and staff will not rely on these maps.

#### **Staff Alternatives:**

3. Approval.
4. Continuance, for reasons determined during the public hearing.
5. Denial.

**Discussion:** Steve Pastorik showed maps of locations where Retail Tobacco Specialty Businesses and Tobacco Oriented Businesses would be allowed in the City. Because many separation requirements are based on other uses, these maps will change. Each business will be reviewed on a case by case basis to make sure they meet all standards. Commissioner Matheson asked how City standards compare with state law. Steve Pastorik answered the separation standards are very similar, however we felt it was important to have a separate category with very objective standards so one could walk into a business and easily see if they are or are not one of these businesses. Brandon Hill stated the focus of the State law was to avoid catching businesses that are traditional convenience stores and to separate businesses that have negative secondary effects. We are responding to what we have seen here in West Valley.

**Motion:** Commissioner Winters moved approve ZT-3-2016.

Commissioner Lovato seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner Matheson	Yes
Chair Meaders	Yes
Commissioner Winters	Yes

**Unanimous – ZT-3-2016 – Approved**

### **CONDITIONAL USE APPLICATIONS**

#### **C-6-2016**

**California Seafood LLC**

**1808 W 3500 S.**

**C-2 Zone (1.16 acres)**

The applicant, California Seafood, is requesting conditional use approval for an office/warehouse business at 1808 W 3500 S. The zoning for the property is C-2 (General Commercial). The surrounding zoning is also C-2. In the C-2 zone, office/warehouse uses are allowed as a conditional use if the warehouse is less than 50% of the business. Adjacent uses include a variety of auto uses to the north, a church to the west and office and retail uses to the south and east. The West Valley General Plan designated this area as General Commercial.

California Seafood sells raw, frozen seafood to restaurants and markets. They buy the product from different suppliers out-of-state and it is shipped once a week in refrigerated trucks. The owners are the only employees. They have one refrigerated commercial van that will be stored at the site. The van is about 20 feet long.

The site was originally developed in 1970. Throughout the years the site has been used for a variety of auto and retail uses. There is currently a restaurant in front of the building and the back of the building is empty. The applicant plans on using the unused area for an office and is going to use part of the freezer to store seafood. The freezer space is 200 sq. ft. and the office space is 261 sq. ft. Any new construction or remodel will require a building permit.

The site and parking lot are well maintained and all the parking spaces are striped. The applicant is required to have two parking spaces; one for the office space and one for the storage area. The parking stalls are located in the back of the lot, close to the loading dock. There are two large, illegal signs being used by another tenant in the front of the building. Code enforcement has been notified and is working on bringing the property into compliance. Any new signage will need to follow the West Valley Sign Ordinance.

#### **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. No outside storage is allowed as part of the business.
2. The warehouse area must be less than 50% of the total floor area.
3. All requirements of affected departments and agencies must be met.
4. If any new construction is done inside, a building permit will be required.
5. Any new signage shall meet all regulations contained in Title 11 of the West Valley City Code.
6. This use is subject to review upon a valid complaint.

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

**Applicant:**

Arturo Casillas  
1808 West 3500 South  
West Valley City, UT 84119

**Motion:** Commissioner Matheson motioned to approve C-6-2016 subject to the six conditions listed in the staff report.

Commissioner Lovato seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner Matheson	Yes
Chair Meaders	Yes
Commissioner Winters	Yes

**Unanimous – C-6-2016 – Approved**

**C-7-2016**

**Ken Kelter, K.L. West Valley, LLC (The Landing Retail)**  
**2778 South 5600 West**  
**C-2 Zone (0.24 Acre)**

Ken Kelter is requesting a conditional use amendment for a multi-tenant building for a property located at 2778 South 5600 West. The property is zoned general commercial (C-2) and the West Valley City General Plan designates this area General Commercial. The property falls within the 5600 West Overlay. Surrounding land uses include commercial to the north, east, and south, with the Highbury Shoppes complex across 5600 West. The Balmoral Townhomes are directly west.

This parcel is a part of The Landing Retail Center, a multi-building retail development originally approved as C-42-2005 on February 22, 2006. That site plan showed two buildings, one with a drive-through adjacent to 5600 West. In order to comply with the 5600 West Overlay Zone drive-through restriction, the developer eliminated the building with the drive-through from his plan and reconfigured the other building into several smaller ones. The parcel considered in the current application has remained undeveloped since then.

In April of 2013, the applicant sought and was granted a Conditional Use Amendment to build a small two-tenant building with a drive-through window that was compliant with the 5600 West Overlay Zone drive-through requirements. The drive-through building was never built and now the applicant is seeking another amendment to build a multi-tenant retail/commercial building.

The proposed building is a three tenant building totaling approximately 3,328 sf. As per the requirements of the Overlay Zone, the building uses 360-degree architecture. The street facing façade has windows and awnings that match the front entrance of the building. An outdoor patio is provided at the north end of the building, and is also connected to the main sidewalk on 5600 West.

Parking for the proposed building is already provided on the developed portion of the site and through a reciprocal parking agreement with the Department of Workforce Services/Veterans Clinic property. A total of 91 parking spaces are provided within the development, 5 of which are ADA accessible, including one van-accessible. Based on the current tenant mix and parking needs based on hours of operation, up to one half of the new building (approximately 1500 square feet) could accommodate a restaurant and the parking needs would still be met within the development. Subway currently has an exclusive right to operate a sandwich shop within the development. Future parking requirements will need to be reevaluated if there are major tenant changes within the development.

**Staff Alternatives:**

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

1. The building and landscaping design shall meet the requirements of the Commercial Design Standards and the 5600 West Overlay Zone.
2. Parking requirements based on tenant mix and hours of operation must be met.
3. All requirements of affected departments and agencies must be met.

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

**Applicant:**

Ken Kelter  
14203 South Minuteman Drive  
Draper, Utah 84020

**Discussion:** Ken Kelter said when a property owner leases to Subway, there is usually an exclusivity agreement to protect their business. No sandwich shop that could possibly compete with Subway can be located in the complex as long as Subway is there.

Ken Kelter stated that the development currently has 35-30 parking stalls in excess of what is required.

**Motion:** Commissioner Fuller motioned to approve C-7-2016 subject to the three conditions listed in the staff report.

Commissioner Lovato seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner Matheson	Yes
Chair Meaders	Yes
Commissioner Winters	Yes

**Unanimous – C-7-2016 – Approved**

### **C-8-2016**

#### **The Used Car Factory**

**2351 S Constitution Blvd.**

**M Zone (.68 acres)**

The applicant, The Used Car Factory, is requesting conditional use approval for a used auto sales business at 2351 S Constitution Blvd. The zoning for the property is M (Manufacturing). Auto sales is a conditional use in this zone. The surrounding zoning is also Manufacturing. Adjacent uses include a reception center to the south and a variety of light manufacturing and office/warehouse businesses to the north, east and west. The West Valley General Plan designated this area as Light Manufacturing.

The Used Car Factory is a used car dealership and will be buying, selling and trading vehicles. They will also do basic repairs to get the vehicles ready to pass emissions and safety inspections. Most repairs will consist of fixing lights, horns, suspension, steering components and anything requiring replacement to turn off the check engine light. They will also be cleaning the vehicles, but there will be no auto washing at the site. The two owners are the only employees and the operating hours are Monday-Friday from 9-6 and Saturday 9-4.

The applicant will occupy the east part of the building and will use the unit as it is currently configured. If any changes are made to the inside, a building permit will be required. The unit is around 3,000 sq. ft. and the front entrance is located to the north. There is an overhead door located on the east side of the building.

The applicant plans on having no more than 25 cars on the premises at any given time. The cars will be stored inside and outside the building. Outside display of vehicles will only be allowed east of the building as indicated in the site plan. There must be a 24 foot aisle between the parking to the east and the cars being displayed for sale.

Five parking spaces are required for employee and customer parking. The parking lot has no potholes, but the parking stalls need to be re-striped. The landscaping at the site is well maintained and there isn't trash or junk on the site. Any signage will need to follow Title 11 of the West Valley City Code.

#### **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 approved use is for auto sales. No automotive washing will be permitted at the site.
2. All car inventory shall be parked in the location shown on the approved site plan. There must be a 24 foot aisle between the car inventory and the parking to the east.
3. Other than used car inventory on display, there shall be no other outside storage permitted.
4. All parking stalls need to be clearly striped
5. All requirements of affected departments and agencies must be met.
6. Any new signage shall meet all regulations contained in Title 11 of the West Valley City Code.
7. This use is subject to review upon a valid complaint.

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

**Applicant:**

Harrison Cleeland  
2351 South 2700 West  
West Valley City, UT 84014

**Discussion:** Chair Meaders asked if the outside car display is limited by the number of cars, or by location. Ryan Harris said the applicant can store as many cars as he can fit within the designated outside storage area, leaving the 24' aisle open. Commissioner Matheson asked if a fence could be erected around the outside storage area. Ryan confirmed that would be OK. Harrison Cleeland notified the Commission that the parking lot was recently re-striped.

**Motion:** Commissioner Winters motioned to approve C-8-2016 subject to the seven conditions listed in the staff report.

Commissioner Winters seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner Matheson	Yes
Chair Meaders	Yes
Commissioner Winters	Yes

**Unanimous – C-8-2016 – Approved**

**C-9-2016**

**Miguels Auto Repair and Gandi Auto Sales**  
**3675 West 2150 South**  
**M Zone (.49 Acres)**

The applicants, Miguel Ordaz and Marlon Mangandi, are requesting a conditional use amendment to expand an auto repair business and also add used auto sales at 3675 West 2150 South. The zoning for this area is M, Manufacturing. The West Valley City General Plan designates this area as Light Manufacturing. The surrounding zone on all sides of the site is M, Manufacturing. The surrounding uses include office/warehouse and manufacturing type uses.

Miguel Auto Repair originally received conditional use approval for an auto repair business on February 11, 2015. The use is currently located in the middle tenant space. At this time they would like to expand

and occupy the east unit as well and also add car sales. The total space occupied would be approximately 4,500 sq. ft. There are 2 overhead doors and 4 service bay areas. The back of the units would be used to store vehicles and the car sales use will occupy some of the office space. The repair services provided include brake jobs, oil changes, battery and water pump replacements, timing belts, etc. They also do some car restoration which includes work on some dismantled cars and they plan on installing a paint booth in the future. There will be no washing of vehicles on site and the lot cannot be used as a salvage yard. The hours of operation for both businesses will be Monday-Friday from 8:00 a.m. – 6:00 p.m.

There must be a minimum of (17) seventeen clearly marked spaces provided for customer and employee parking. Five for the sales use and the remaining 12 for the repair use (3 per service bay). The remaining area on the north side of the site will be used for vehicle display for the car sales business. All vehicles shall be located on hard surfacing that is maintained in good condition and all drive aisles must remain clear. There is not adequate room on this site for any outside storage due to the parking and display area layout.

There is existing landscaping on site along 2150 South however it is in need of some maintenance. There shall also be a minimum of 1 tree planted for every 30' of the frontage adjacent to the parking area. There will be a small wall sign identifying the car sales business per the DMV guidelines. No other signage is requested for this business. If a dumpster is provided for this site it must be located within a 6' tall masonry enclosure.

**Staff Alternatives:**

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

1. The approved use is auto repair and sales only. The site may not be used as a salvage yard.
2. All parking and vehicle display areas must be located on hard surfacing with adequate space for a proper fire access aisle.
3. The parking lot shall be properly maintained and must have at least seventeen (17) striped stalls for customer and employee parking.
4. Other than used car inventory on display for sale, there shall be no outside storage.
5. The landscaping shall be maintained and there must be at least one tree planted in the landscaping along 2150 South.
6. All signage shall comply with the West Valley City Sign Ordinance, including all temporary signs.
7. All requirements of affected departments and agencies must be met, including but not limited to the WVC Fire Department.
8. This use is subject to review upon a valid complaint.

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

**Applicants:**

Miguel Ordaz and Marlon Mangandi

3675 West 2150 South  
West Valley City, UT 84120

**Discussion:** Miguel Ordaz acknowledged there are currently a lot of cars stored outside the business. They are in the process of expanding to another building in Salt Lake City. As soon as the new building is obtained, the outside storage will be removed. Commissioner Lovato noted the business is currently out of compliance regarding outside storage. The outside storage needs to be addressed soon. Marlon Mangandi said the outside storage will be completely removed by this weekend.

**Motion:** Commissioner Lovato moved approve C-9-2016 subject to the eight conditions listed in the staff report.

Commissioner Winters seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner Matheson	Yes
Chair Meaders	Yes
Commissioner Winters	Yes

**Unanimous – C-9-2016 – Approved**

**C-10-2016**  
**Certified Diesel and Automotive Repair**  
**2181 W 2200 S**  
**M Zone (1.21 acre site)**

The applicants, Phil Vice and Eugene Noriega of Certified Diesel and Automotive Repair, are requesting conditional use approval for an auto service and repair business at 2181 W 2200 S. The zoning for the property and the surrounding area is M, Manufacturing. The West Valley City General Plan designates this area as light manufacturing. Adjacent uses include a variety of light manufacturing and industrial businesses.

The applicants will operate a general automotive and light truck repair business out of a 5,000 square foot tenant space in the eastern portion of the building. There is also a 2,200 square foot warehousing area in the south-west corner of the building that will be used for storage. Business hours will be Monday through Friday, 8:00 a.m. to 5:00 p.m. Initially the business owners will be the only employees, but they hope to hire at least two additional people by the end of the year.

The applicants will utilize four service bays for the business. All automotive work shall be done within the building and there will be no outside storage. The minimum number of required parking spaces is three (3) per service bay, plus one per 2,000 square feet of gross floor area of warehousing space. The applicants have indicated that there will be 19 parking spaces available to them, exceeding the 14 required stalls. The site and landscaping is well maintained. Any signage for the business will need to comply with the West Valley City sign ordinance.

**Staff Alternatives:**

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

1. Automotive work shall only be conducted within the building and shall not be done outside or in any parking areas.
2. There is to be no outside storage of any kind permitted for this use.
3. All requirements of affected departments and agencies must be met.
4. Any new signage shall meet all regulations contained in Title 11 of the West Valley City Code.

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

**Applicant:**

Eugene Noriega  
2181 West 2200 South  
West Valley City, UT 84119

**Motion:** Commissioner Matheson motioned to approve C-10-2016 subject to the four conditions listed in the staff report.

Commissioner Winters seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner Matheson	Yes
Chair Meaders	Yes
Commissioner Winters	Yes

**Unanimous – C-10-2016 – Approved**

Approval of Minutes from March 9, 2016 (Regular Meeting) **Approved**

Approval of Minutes from March 16, 2016 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:05 p.m.

Respectfully submitted,

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Brenda Turnblom, Administrative Assistant