

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

August 10, 2016

The meeting was called to order at 4:01 p.m. by Chair Meaders at 3600 Constitution Blvd., West Valley City, Utah.

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

David McEwen, Brent Fuller, Jack Matheson, Matthew Lovato, Clover Meaders, Latai Tupou, and Harold Woodruff

ABSENT

Martell Winters

WEST VALLEY CITY PLANNING DIVISION STAFF

Ryan Harris, Jody Knapp, Steve Pastorik, and Brenda Turnblom

WEST VALLEY CITY LEGAL DEPARTMENT

Brandon Hill

WEST VALLEY CITY COMMUNITY AND ECONOMIC DEVELOPMENT

Freyja Johnson

AUDIENCE

There were 27 people present in the audience.

GPZ-2-2016

Russ Platt

3579 and 3605 S Redwood Road

General Plan change from medium density residential to high density residential

Zone Change from M to RM

7.1 acres

Russ Platt has submitted a General Plan/zone change application for two parcels totaling 7.1 acres located at 3579 and 3605 S Redwood Road. The parcels are currently zoned C-2 (general commercial) for approximately the west 1/3 and M (manufacturing) for the east 2/3rds with a General Plan designation of mixed use (general commercial and high density residential) and medium density residential (7 to 12 units/acre). The proposed zone is RM (residential, multi-family) and the proposed General Plan designation is high density residential (12 to 20 units/acre). The proposed change only applies to the portion of the parcels currently zoned M.

Surrounding zones include M to the north, C-2 to the west, R-1-7 (single family residential, minimum lot size 7,000 square feet) to the south and R-1-6 (single family residential, minimum lot size 6,000 square feet) to the east. Surrounding land uses include a shopping center and a few homes to the north, single family homes to the east and south and commercial to the west.

The applicant is planning to develop the property into a mix of uses including a restaurant, retail, office and warehouse on the C-2 portion and townhomes on the proposed RM portion. The original concept plan, which is attached, had a proposed density for the residential portion of the project at 13.1 units/acre with 93 townhomes. However, after considering input from staff and the Planning Commission, the applicant has revised the concept plan to provide more driveways that are deep enough to park in. The attached latest concept plan includes 84 townhomes, yielding a density of 12 units/acre. Also included are elevations and renderings for the commercial and residential buildings along with floor plans of the residential buildings. The existing buildings would be demolished. More details about the proposal are covered below under the development agreement discussion.

While the commercial portion of the proposed project is already zoned C-2, the applicant included information on this portion of the project to show how the two portions would relate to each other. A conditional use application will be required for this commercial portion of the project.

As the Commission evaluates this application, there are essentially the following three questions to consider:

- Should the zoning be changed to RM to allow for townhomes on this property?
- Should the General Plan be changed to allow the density to exceed 12 unit/acre?
- Is the proposed quality of the development sufficient to meet the goals of the City?

Each of these questions is addressed below.

Should the property be rezoned to RM?

By 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 two conditions in that the property has existing structures (a warehouse and a home converted to commercial use) and has access and frontage on Redwood Road, which has a planned right-of-way width of 115'. On the third condition, the following was proposed by the applicant:

- Dwelling unit sizes: The minimum townhome size will be between 1,800. The two story units will also have basements.
- Exterior materials: Exterior materials will be fiber cement siding, stone and stucco.
- Architecture: The proposed architecture is portrayed in the attached elevations and renderings. Both the commercial and residential buildings are very modern.
- Landscaping: Open space represents 51% of the site.
- Project amenities: Project amenities include 2 car garages for each unit, 9' ceilings, solid surface countertops, courtyards, decks, ground level patios, balconies, private garden spaces, rooftop patio areas, a BBQ area, a pavilion, a tot lot, a sports court, an entry feature and vinyl perimeter fencing.

After reviewing the architecture, there are some areas of concern that staff has raised with the applicant. At the time this report was written, staff was awaiting revisions from the applicant.

Given that the property is eligible to be rezoned to RM, staff believes RM zoning is appropriate at this location for the following reasons:

- The General Plan currently anticipates multi-family at this location.
- There are no stub streets to the single family neighborhood to the east.
- This property is similar to other properties along the east side of Redwood Road between 3500 S and 4100 S where the City has rezoned the property to allow for a mix of residential developments situated between commercial along Redwood Road to the west and single family detached homes to the east. Each of these projects has been well maintained. These projects are listed below:
 - Millburn Manor – This small lot single family PUD with 56 homes is behind AA Callisters and has a density of 6.9 units/acre.
 - Compass Renaissance Townhomes – This development of 96 townhomes at 3715 S has a density of 11.8 units/acre.
 - Gates at Kingspointe – The project includes 3 story condos and 2 story townhomes and has 84 total units with a density of 15.1 units/acre.
 - Truong Townhomes – This project, also submitted by Russ Platt, has 77 townhomes with a density of 12 units/acre.
- The Salt Lake County Assessor shows home values in the \$170,000 to \$245,000 range for the Kingspointe subdivision to the east and \$200,000 to \$230,000 for the Millburn Manor subdivision to the south. According to the applicant, the proposed townhomes would sell between \$235,000 to \$299,000.
- Redwood Road is a 106' right-of-way, seven lane arterial street that is serviced by UTA bus

route 217.

- Average annual daily traffic (AADT) in 2014 for this section of Redwood Road was 30,590. A seven lane arterial can handle a traffic volume of 40,000 at a level of service (LOS) C and 46,000 at an LOS D. According to the Institute of Transportation Engineers, townhomes generate 5.81 trips per day.

Should the General Plan be changed to allow the density to exceed 12 unit/acre?

As indicated above, the density of the original proposal was just over 13 units/acre which required a General Plan change. However, after working with staff, the latest concept is now at 12 units/acre. Therefore, the General Plan change is no longer needed.

Is the proposed quality of the development sufficient to meet the goals of the City?

Dwelling Unit Sizes

The proposed sizes are comparable to or larger than other recently approved townhome developments. The proposed sizes exceed the minimums the Planning Commission recently recommended to the City Council.

Exterior Materials

Exterior materials will be fiber cement siding, stone and stucco. In the revised multi-family design standards recently approved by the Planning Commission, a requirement of 20% brick or stone was added for projects that utilize fiber cement siding or stucco. Staff has raised this issue with the applicant and is awaiting revisions.

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, staff relayed several comments to the applicant. Staff anticipates receiving updated elevations before the public hearing.

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 51%. More detailed landscape plans will be required as part of the subdivision review process.

Project Amenities

The City's multi-family residential design standards require projects with 76 to 99 units to include at least four amenities from a list included in the ordinance. The following amenities are ones proposed by the applicant that count toward the four required: courtyards, garages, private patio or balcony for each unit, tot lot, sport court and pavilion. Other amenities are also proposed as described in the previous section.

Staff Alternatives:

1. Approval of the zone change only. The General Plan should remain medium density residential. This approval is subject to a development agreement that includes:

- a. All of the commitments made by the applicant and
 - b. The following additions recommended by staff:
 - i. The density shall be capped at 12 units/acre.
 - ii. No fence shall be required between the commercial and residential portions of the development.
2. Continuance, for reasons determined during the public hearing.
3. Denial.

Applicant:

Russell Platt
1759 East 4620 South Millcreek

Discussion: Russell Platt said a few blocks to the south is another very successful townhome development. Sales started at \$179,000 two years ago. The townhomes are now selling for \$235,000. These townhomes are almost sold out and Russell Platt is eager to begin another development.

Russell Platt said the modern look of the townhomes will extend to the interiors as well. Features include metal horizontal or glass railings, large windows that come to within 18” of the floor, and 9’ ceilings. It doesn’t cost much more to do these things. Some of the views from the 2nd and 3rd floors are spectacular.

Merilee Hawthorne, 1512 Kenlock Way, asked how much space will be between her fence on the South side and where the townhomes begin? Steve Pastorik said it varies between 15 and 20 feet.

Maryanne Callister, AA Callister Corp, is concerned with not having some type of wall or fence between AA Callister and the townhomes. AA Callister stores products such as hay and wood shavings outside, and a fence would help to keep these from being stolen. Steve Pastorik answered that the development agreement specifies that the residential portion of the property be fenced on the south, east, and north sides. There is no requirement for fencing between the two commercial uses. Steve Pastorik said generally the requirement to put in a masonry wall falls on a commercial property coming in next to residential. Commissioner Meaders stated when there are two commercial properties next to each other, it is up to the property owners to figure out fencing.

Motion: Commissioner Matheson moved to approve the zone change only for GPZ-2-2016 subject to the development agreement and all of the commitments made by the applicant. The General Plan for this area will remain medium density. Density shall be capped at 12 units per acre. No fence is required between the commercial portions of the development.

Commissioner Lovato seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner Matheson	Yes
Commissioner McEwen	Yes
Chair Meaders	Yes

Commissioner Tupou Yes
Commissioner Woodruff Yes

Unanimous – GPZ-2-2016 – Approved

C-27-2016

Boart Longyear

2455 South 3600 West

M Zone (20.09 Acres)

The applicant, AE Urbia Architects, representing Boart Longyear, is requesting conditional use approval for a drilling, manufacturing and storage facility at 2455 S. 3600 W. The zoning for this area is M, manufacturing. The West Valley City General Plan designates this area as light manufacturing. The surrounding zone is manufacturing to the west, north and northeast with R-1-6 and R-1-7, single family residential, to the south and southeast. The surrounding uses include office/warehouse and other light industrial uses as well as single family residential.

The property was originally developed in 1985 as a distribution center for Mervyn's (C-40-85). They occupied the site until approximately 2007. The next tenant that occupied the building was CCAM (Classic Cabinets) and they occupied the site until about 2014. Currently, a large portion of the building is vacant and a variety of trucking companies utilize the loading docks on a limited basis.

At this time, Boart Longyear is proposing to occupy the site for office, manufacturing, and storage of specialized mining and drilling equipment. The hours of operation will be from 7:00 a.m. – 7:00 p.m.

There is an existing building on site that will consist of 32,410 sqft of office space, a 200,061 sqft warehouse and a 41,672 sqft manufacturing/shop area. This use mixture requires 274 parking spaces and 280 spaces have been provided on site for parking. The only exterior modifications that are proposed for the building is to add a small wash bay (81' x 40') and overhead doors along the north side of the building.

There are currently two very large landscaped areas located along the south and north sides of the site. The proposal is to convert a portion of these areas to outside storage yards. The areas will be surfaced with gravel and used for storage of materials and equipment and shall not be used for standard vehicular parking.

The yard on the south side requires a 20' landscaped setback from all residential uses with evergreen trees planted at a ratio of 1 for every 300 sqft of area (1 every 15'). The residential uses to the east were constructed after this facility was originally built, therefore the landscaping setback is currently not in place. The applicant has indicated that the full 20' setback in this area would make access and maneuvering difficult along the back of the building and has proposed to add tree diamonds every 30' along the paved portions of the lot. Lighting in these areas shall be installed so it does not negatively affect adjacent residential uses.

The existing landscaping along the west side of the site will remain and the yard to the north is required to be setback 20' from the right-of-way. These areas will be landscaped with lawn and trees spaced every 30'.

There is currently a 6' masonry fence along the south side of the site and an 8' wall along the residential portion on the east side. An additional 6' masonry wall will be constructed along the entire perimeter of the site to screen the outside storage areas and equipment from public view. Any dumpsters located on site would also need to be located within a masonry enclosure and screened.

The applicant indicated that they would like to install a monument sign on the property. This sign would be a single tenant sign and need to conform to the standards in §11-5-103. All wall signage would also be required to meet all the standards set forth in Title 11.

Staff Alternatives:

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

1. The hours of operation for the business shall be from 7:00 a.m. – 7:00 p.m.
2. All minimum required vehicular parking stalls shall be located on hard surfacing.
3. The outside storage areas shall be used for material and equipment storage only and may be located on gravel.
4. A minimum 20' landscape strip shall be installed along all areas adjacent to residential uses with 1 tree planted for every 300 sqft of area except for the area outlined in condition 5 below.
5. Tree diamonds may be installed every 30' along the east side of the site, in the paved area adjacent to the residential uses.
6. A lighting plan must be submitted and all lighting shall be installed so it does not negatively affect adjacent residential uses.
7. A 20' setback must be maintained along 3600 West and 2400 South with trees planted at a ratio of 1 for every 30' of frontage.
8. A 6' masonry wall is required adjacent to residential uses.
9. All outside storage areas shall be screened from public view with a combination of a 6' screen wall and landscaping.
10. Dumpsters must be located within a 6' masonry enclosure.
11. All signage shall conform to the standards set forth in Title 11 of the West Valley City Municipal Code.
12. All requirements of affected departments and agencies must be met.
13. This use is subject to review upon a valid complaint.

Continuance, to allow for the resolutions of any issues raised at the public hearing and to allow time for the applicant to submit more detailed information on the project.

Applicants:

Andrew Bollschweiler, AE Urbia Architects

Nate Barnes, Boart Longyear

2875 South Decker Lake Drive
West Valley City

1775 South 5350 West
Salt Lake City

Discussion: Andrew Bollschweiler said Boart Longyear has several operations in the Salt Lake valley that they are considering consolidating to this new site. Commissioner Woodruff asked for a summary of Boart Longyear's operations. Kent Hoots, Senior V.P. of Boart Longyear, said Boart Longyear manufactures diamond drill bits that are used in minerals drilling applications around the world. They produce about 1,000 drill bits per week. They currently run a one shift operation. Boart Longyear has a distribution center based in Salt Lake where products are supplied in and out of Canada, Mexico, and the U.S. Maintenance activities for the drilling services group primarily supports the Kennecott operation. 215 employees will be relocating to this property. Boart Longyear has been in operation for 126 years, in this valley since at least 1960.

Commissioner Meaders asked how noisy this process is. Kent Hoots said there is very little noise at all associated with manufacturing and distribution. The only noise occurs when drill rigs are fired up, which is very rare, and will happen on the north side of the building.

Commissioner Fuller asked for a description of the Boart Longyear transit operation. Kent Hoots said third party providers pick up materials. 12 to 36 semi-trucks come in to the property per day. The semis and trailers are not stored on site, they come and go.

Commissioner Meaders asked why a 20' landscaped buffer cannot be installed on the east side of the property, next to residential. Kent Hoots said the area is needed to place equipment and safely move employees and third parties around the site from a traffic management standpoint. He noted that Boart Longyear plans to park things that are low next to the residential area, not semi-trucks.

Commissioner Lovato asked if any forging or casting will be done on the property. Kent Hoots answered no, Boart Longyear only does light machining on purchased blanks. Bryan Cragun, 2547 South 3425 West, asked if explosives are stored on the property. Commissioner Meaders answered no. Bryan Cragun feels that removing the existing greenspace will lower the values of surrounding homes and a 20' landscaped buffer is not enough. He is also concerned about dust that may be stirred up on the property.

David Thorpe, 2528 South 3460 West, said he purchased his home specifically because of the green space behind it. He says replacing the grass with gravel and having trucks drive through the area will stir up dust that will cause problems for his child with asthma. He is concerned that trucks driving right next to the wall will create noise pollution. David Thorpe said the reason the buffer zone was created was to prevent noise pollution when Mervyn's was there in 1985. He feels the buffer zone should be grandfathered in. David Thorpe said he looked on Google maps and feels the other Boart Longyear locations are eyesores. He asked Planning Commissioners if they would want a gravel pit with tons of broken machinery in their backyards.

Larry Thorpe, 1966 Wilson Ave. SLC, is the executor of his parents' estate. He feels allowing a gravel area behind an estate will ruin it. He does not want the buffer zone removed just because a new tenant moves in. He feels the existing Boart Longyear locations look like junk yards from the rear. He would like Boart Longyear to move elsewhere. Larry Thorpe would like to see a park on the area, perhaps asking surrounding homeowners to pay HOA fees to water it. He doesn't want to look over his fence to see a gravel pit.

Marcella Sparks owns a home on 3540 Vespa Drive that her children live in. She wants to keep the greenspace. She says there are already trucks driving through the property, making noise, moving things in surrounding homes, and knocking things off of the walls. She said there are also weird smells. Jody Knapp said Boart Longyear is not occupying the site at this time. Marcella Sparks asked what the reason is for installing gravel. Commissioner Meaders said heavy equipment will be stored on gravel because it would break up an asphalt surface. Instead of removing greenspace, Marcella Sparks would like to see areas of the parking lot used for equipment storage.

Jody Knapp showed the originally approved landscape plan. The original 1985 conditions of approval state that landscaping should be done in accordance with the approved plan. There was no discussion about why the buffer was there or a definitive number per the conditions of approval. Commissioner Meaders asked if the original plans indicate an easement or dedicated park. Jody Knapp said it has always been private property, nothing saying that it needs to remain open space in perpetuity has been recorded.

Jody Knapp noted the original stamped site plan shows a 70' wide landscaped buffer that narrows to 32' along the south side of the property. This condition of approval can be modified by the Planning Commission. The applicant is asking to reduce the original landscaping requirement down to the current ordinance, which is a 20' buffer. The applicant is not asking for a change in access. The pavement will remain the same. There should not be much vehicular traffic in the gravel areas. Traffic will be on hard surfacing. The gravel is for storage of mining equipment and large trucks.

Jody Knapp indicated there will be an enclosed wash bay on the north side of the building which will follow all drainage requirements. Boart Longyear is not proposing any changes to the existing fence. They are adding a 6' masonry wall to screen the outside storage areas. A 20' landscaped buffer is required along the street side and tree diamonds along the east side. The entire site will be surrounded by a masonry wall.

Larry Thorpe, 3586 West Vespa Dr., noted that the landscaped buffer behind his house extends 165 feet. The buffer extends 145 feet behind his son's house. Jody Knapp said the improved area is significantly wider than the original plans showing 70 and 32 feet for landscaping as well as areas for future expansion. Mervyn's widened the buffer and put up a cement fence.

David Thorpe said, when he was building his home, they were looking at making the property behind his home into a park area. He was told in 2006 that this area would be a permanent buffer. He asked what has changed since then.

Terry Bishop, 3528 Vespa Dr., is concerned about the value of her property going down. She said it is ridiculous that renters would destroy the beautiful landscaping. She said there are residents who work nights and sleep during the day in the neighborhood. She doesn't want trucks rolling through the property all hours of the day. Cleta Cragun, 2181 South Vespa Dr., also does not want the grass eliminated.

Nathan Barnes said the gravel area will be used for storage, not truck traffic. Boart Longyear's intent is to maintain the current access point. Right now this is a cross dock facility. All deliveries are local. Nathan Barnes said the current tenant produces more traffic than Boart Longyear ever will. Some of Boart Longyear's equipment may sit for a year and not move until there is a need for it. Boart Longyear needs the area to become more efficient and to help maintain jobs.

Daniel Palacios, 4077 W 4040 South, said residents have a right to have their properties respected. He feels the gravel equipment storage area will be ugly, creating industrial blight. He said surrounding residents purchased their properties with the expectation that the easement and buffer zone would make their property desirable. They want to get the maximum value out of their properties when they sell. The landscaped buffer is the only thing that keeps these residents content where they are.

Commissioner Meaders said, generally speaking, an owner in a Manufacturing area can do just about anything they want. Most often we don't get to decide what our neighbors do with their properties. It is her understanding that there was no permanent easement. Conditions on conditional uses are not permanent.

Brandon Hill confirmed that each conditional use application is based on the merits of that application. A permitted use with conditions does not include private assurances or agreements between property owners that may have existed. Those concerns are for the private property owners to work out amongst themselves and not for the Commission.

Commissioner Matheson said gravel does create dust, which is a valid complaint. The suggested site plan says existing grass and trees will be removed for the proposed gravel yard. Not only are we losing grass, we are losing trees. The site plan of the existing facility on 1700 South has three rows of storage, approximately 100' x 150' of solid storage. Commissioner Matheson asked why equipment cannot be stored on a paved or concrete surface. He is in favor of having our City Engineer look at the turning movements of trucks going around the buildings before a decision is made.

Commissioner Woodruff feels the original landscaped buffer of 70 and 32 feet should be maintained. Brent Fuller agrees. Commissioner Woodruff feels the equipment storage area on the south should be on a hard surface. The storage area on the north could remain gravel. He would also like a 20' landscaped buffer on the east side along the residential area. Commissioners Matheson, McEwen, and Lovato voiced their agreement.

Commissioner Tupou asked if any restrictions were recorded with the deed when the property was developed. Jody Knapp will look again at the title report.

Commissioner Fuller noted it is easier to tear out grass than asphalt. Perhaps an unused area of asphalt could be removed and replaced with gravel in order to preserve more grass area. Commissioner Matheson is not opposed to having gravel on the north side, but does not think there is a need for gravel on the south side.

Motion: Commissioner Matheson moved to continue C-27-2016 to the September 14, 2016 Public Hearing to give City Engineering time to review the plan for traffic movements. A plan needs to be submitted to Engineering along with a proposed drainage plan. Boart Longyear will probably be required to pave part of the south side of the property.

Commissioner Lovato seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner Matheson	Yes

Commissioner McEwen	Yes
Chair Meaders	Yes
Commissioner Tupou	Yes
Commissioner Woodruff	Yes

Unanimous – C-27-2016 – Continued

C-28-2016

Western Garden Center - Receptions

4050 W. 4100 S.

C-1 Zone (2.37 Acres)

Western Garden Center is requesting a conditional use amendment for a reception center. This property is zoned neighborhood commercial (C-1) and the West Valley City General Plan designates this area as Neighborhood Commercial. The surrounding zone is R-1-8 to the north and west and C-1 on all other sides. There are single family homes to the north and west, and retail strip centers to the east and south, across 4100 South.

In 2010, Western Garden Center amended the City Code to add “reception centers as an accessory use to a garden center” as a conditional use in the C-1 zone. A conditional use application was then approved in 2014 (C-69-14) for a reception center however the use was not conducted and that approval has since expired. They are now ready to move forward with this portion of the business and have submitted the following conditional use application for review.

The reception use is proposed within the existing 6,722 square foot garden center retail area. The space that would be designated for receptions would be approximately 3,000 square feet within the south side of the building. Permanent partitions will not be installed so the space will be delineated with kiosks and plant walls. No other modifications to the exterior of the building or site are proposed as part of this application.

The typical hours of operation for this use are 5:00 p.m. – 10:00 p.m. and there will be no alcohol served at this facility. This use is located within 500’ of residential property so those hours are in compliance with requirements set forth in section 7-6-1012 which is as follows:

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

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

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

There are 131 parking spaces on site that are shared between the Garden Center and the attached retail use. With the current mix of tenants, including 3,000 square feet of reception center, 123 spaces are required.

Signage is existing and will not be modified for this use. The landscaping is also existing on site and will not be modified.

Staff Alternatives:

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
 1. The reception area shall be developed per the approved plans and shall not occupy more than 3,000 square feet of the existing garden center building.
 2. The property shall be kept properly maintained and in good condition.
 3. Must comply with all relevant requirements set forth in the West Valley City Code including but not limited to section **7-6-1012. ADDITIONAL REGULATION OF RESTAURANTS, DANCE HALLS, CONCERT HALLS, RECEPTION CENTERS AND CLUB LICENSEES.**
 4. Must comply with all other relevant requirements set forth from applicable department and agencies including but not limited to the West Valley City Fire and Building Inspection Department.
 5. Subject to review upon valid complaint.
- Continuance, to allow for the resolution of any issues raised at the public hearing.

Applicant:

Michael Clayton
9201 South 1300 East

Discussion: Michael Clayton said Western Gardens does allow a party to serve alcohol with a licensed and insured bartender. However, there is no open bar. Michael Clayton reported he spoke to the Utah Department of Alcohol Beverage Control (DABC) and they treat a reception like a private party when alcohol is served, as it would be in a private home.

Daniel Palacios, 4077 West 4040 South, said he loves Western Gardens. He likes his neighborhood quiet. His home will be the most directly impacted by a reception center. His two bedrooms are above the 8' wall next to the proposed reception center and another bedroom is at ground level. Daniel Palacios said the intersection at 4100 South and 4000 West is already a heavily congested traffic area. He feels adding a reception center will make traffic worse. He does not believe that having 123 parking spaces is enough to prevent overflow parking into the neighborhood.

Daniel Palacios does not want a bunch of drunken people hanging around his primarily residential neighborhood, it invites trouble. He does not want bright lights shining into his home. Just because a reception ends at 10:00, doesn't mean people will leave the area quietly. There is a potential for violence when alcohol is served.

Commissioner Meaders asked if Western Gardens plans any crowd control in the parking lot. Michael Clayton said Western Gardens has been doing receptions at the Sandy

location for nine years and at the Salt Lake location for six years. Based on experience, most weddings end at about 9:00 p.m. 90% of receptions are open house receptions where people come and go. Even when a reception ends at 10:00 p.m., there are usually only about ten cars in the parking lot, usually the cleaning crew. There is a parking attendant in the parking lot in case parking needs to be controlled and to direct people to overflow. Commissioner Meaders asked if there have been any problems with alcohol at their other locations. Michael Clayton said Western Gardens has not had a single noise ordinance violation or alcohol consumption issue.

Daniel Palacios said the Sandy Western Garden is in a commercial area with large lots and easements. He indicated there is no easement between Western Gardens and his home. The lights will be on late at night. His family will be seriously affected. He says a bunch of drunks that want to carry on a party past 10:00 cannot be controlled.

Commissioner Meaders suggested adding, "Subject to review upon valid complaint" to the staff conditions. Parking spaces number more than are required, so parking should not spill out into the residential area. Commissioner Tupou asked if a lighting plan was submitted. Commissioner McEwen noted that parties will be confined inside of the 300 sqft building.

Motion: Commissioner Tupou motioned to approve C-28-2016 subject to the four conditions listed in the staff report and subject to review upon valid complaint. A lighting plan must also be submitted.

Commissioner Lovato seconded the motion.

Roll call vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner Matheson	Yes
Commissioner McEwen	Yes
Chair Meaders	Yes
Commissioner Tupou	Yes
Commissioner Woodruff	Yes

Unanimous – C-28-2016 – Approved

PLANNING COMMISSION BUSINESS

Approval of Minutes from July 20, 2016 (Study Session) **Approved**

Approval of Minutes from July 27, 2016 (Regular Meeting) **Approved**

Approval of Minutes from August 3, 2016 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:54 p.m.

Respectfully submitted,

Brenda Turnblom, Administrative Assistant