



**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

April 13, 2016

The meeting was called to order at 4:05 p.m. by Chair Meaders at 3600 Constitution Blvd., West Valley City, Utah.

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

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

ABSENT

Matthew Lovato and Martell Winters

WEST VALLEY CITY PLANNING DIVISION STAFF

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

ATTORNEYS

Brandon Hill and Freyja Johnson

AUDIENCE

There were approximately thirty two (32) people present in the audience.

ZONE CHANGE APPLICATION

Z-2-2016

Ken Milne

3702 South 6400 West

A to RE

25.36 acres

Ken Milne has requested a zone change on six parcels totaling 25.36 acres at 3702 South 6400 West from A (agriculture, minimum lot size of ½ acre) to RE (residential estate). For reference, staff has included a copy of the RE Zone standards. Surrounding zones include A to the west; R-1-8 to the north; R-1-10, R-1-8 and A-2 to the east and R-1-10 and A to the south. The property is surrounded by agricultural ground to the west, single family homes to the north and east and agricultural ground and a developing new 10,000 square foot lot subdivision to the south. The subject property is designated as large lot residential, which anticipates 2 to 3 units/acre, in the West Valley City General Plan. The General Plan also indicates the need for a park in this area.

Development Proposal

The applicant has submitted a concept plan, which is attached, that shows the subject property being subdivided into 58 lots yielding a density of 2.3 units/acre. Also shown on the concept plan is a 0.54 acre park. As a reminder, a concept plan is included to give the Commission an idea of the potential number of lots and to show how the property could be developed. Generally speaking, concept plans have not been engineered, meaning that storm drainage, topography and utilities have not been accounted for. For this reason, concept plans are subject to change.

The Parks Department has indicated that there is a need for park in this area that is at least 1 acre in size. Staff has discussed this with the applicant and he is willing to work this into the concept plan assuming agreeable terms can be reached. The terms for the transfer of land would need to be worked out in the development agreement. Examples of the terms include when the ground would be transferred, who would improve the park, who is responsible for the road improvements adjacent to the park, etc. Should the City pursue a 1+ acre park here, staff recommends that this be accomplished by allowing some lots to be between 10,000 and 12,000 sq. ft. through a development agreement while maintaining the same number of lots. As an alternative, it is possible that the City could acquire other nearby property for the park.

Development Agreement

A development agreement is required for this project. Section 7-14-105 (3)(q) 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)(l)(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."

The applicant has proposed the attached list of nine development agreement standards. Items 1, 2, 5, 6 and 8 are required in the RE Zone, the City's housing standards or other ordinances. The remaining items, which are discussed below, are either additional requirements above City standards or, in one case, an exception to the standards.

- Item 3: Given the configuration of the property there are some lots, particularly on the east side of the property, where the lot depth is less than 100'. Since the City's housing standards require larger homes, staff believes a 20' rear setback is appropriate on lots where the depth is less than 100'.
- Item 4: While the RE Zone ordinance does require front yard landscaping and irrigation, it does not require the homebuilder to install it. The applicant is providing a \$1,000 landscape voucher for side and rear yard landscaping. While the ordinance requires landscaping to be installed within 6 months of occupancy, the proposal is to have landscaping installed prior to occupancy except for during the winter.
- Item 7: Concrete address plates are not required by ordinance.
- Item 9: Fencing is not required by ordinance.

The applicant has also submitted 6 renderings of homes that are representative of the quality of the homes that would be built here. The exact plans to be built on the property have not been developed yet.

In addition to the standards outlined in the proposed development agreement, this development, if approved, will be subject to the City's single family home standards. For reference, these standards are summarized below:

- Minimum rambler size: 2,000 square feet
- Minimum multi-level size: 3,000 square feet
- Minimum garage size: 3 car (2 car allowed in certain instances)
- Exterior materials allowed: brick, stone and fiber cement siding
- Further material restrictions: fiber cement siding limited to 75 of exterior
- Minimum roof pitch: 6/12
- Minimum number of points required for a rambler from design features list: 250
- Minimum number of points required for a multi-level from design features list: 300
- Architectural shingles required

Staff Alternatives:

- Approval of the zone change to RE subject to a development agreement that includes the standards proposed by the applicant and the following additions by staff:
 - The development shall include a park that is at least 1 acre in area.
 - To accommodate the park, the minimum lot size shall be 10,000 square feet.
 - The average lot size shall be 15,000 square feet. In calculating the average, the park property shall be included in the lot area. (The intent here is that the number of lots would be the same as if no park was included and the minimum lot size was 12,000 square feet.)
- Approval of the zone change to RE subject to a development agreement that includes the standards proposed by the applicant and the following additions by staff:
 - The minimum lot size shall be 12,000 square feet as outlined in the RE Zone.
 - A park will not be included.
- Continuance, for other reasons determined at the public hearing.

Applicant:

Ken Milne
P.O. Box 710
Riverton, UT 84020

Discussion: Steve Pastorik said this is the first application for the new RE zone. A park is needed in this general area and the developer is amenable to work with the City if they want to pursue a park in this subdivision. Chair Meaders asked Ken Milne how he feels about a park in the subdivision. Ken Milne said whether the park is ½ acre or one acre, he will have the same number of lots. He is agreeable with that.

Lori Cannon, 6505 West 3635 South, congratulated the Planning Commission and City Staff for how great the City is looking. She is representing herself and other neighbors whose garages are downhill from the new subdivision. She is concerned about possible flooding and also decreased water pressure. She feels it would be a nice gesture to locate any second story homes toward the center of the subdivision, so she doesn't have neighbors peeking over her fence. She loves the idea of a park, but is concerned about lights and noise from a possible basketball court keeping neighbors awake at night.

Steve Pastorik said that if zoning is approved by the City Council, the Developer will look at the topography of the land to make sure drainage is handled on the site. The developer will work with Granger Hunter Water Improvement District to be sure there is adequate water pressure.

Lori Cannon likes the idea of ½ acre lots for residential estates. Steve Pastorik said that zoning is ½ acre under the A zone, but the RE zone lots will be smaller. No lot will be under 12,000 square feet, and the overall average will be 15,000 sq. ft. Clover Meaders asked if a home could be built on an agricultural lot. Steve Pastorik answered yes.

Bill Burke, 6400 W 3801 South, referred to a 1 acre lot that he owns that is not part of this application. Bill Burke offered to sell this property to the City to use for a park for the right price. Bill Burke is concerned about irrigation rights to his property. Steve Pastorik said that if zoning is approved, as part of the subdivision process, any irrigation rights of nearby property owners nearby will be maintained.

Jim Defay owns the property due south of the new subdivision at 3764 South 6400 West. He is concerned about irrigation water rights, water shed, and traffic problems. He feels that having only one access into the subdivision will cause traffic congestion.

Motion: Commissioner Matheson moved to approve Z-2-2016 subject to the development agreement, adding that a park of at least 1 acre be included.

Commissioner Fuller seconded the motion.

Roll call vote:

| | |
|-----------------------|-----|
| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner McEwen | Yes |
| Commissioner Meaders | Yes |
| Commissioner Tupou | No |
| Commissioner Woodruff | Yes |

Majority – Z-2-2016 – Approved

ZONE TEXT CHANGE APPLICATIONS

ZT-4-2016

West Valley City

Amending Section 7-14-105 to require basements in single family dwellings where soil conditions allow and to increase the minimum size for single family dwellings where soil conditions do not allow basements

At the request of the City Council, West Valley City staff is recommending an amendment to Section 7-14-105 of the Zoning Ordinance. If adopted, this Section will require basements in single family dwellings where soil conditions allow and increase the minimum size for single family dwellings by 500 SF where soil conditions do not allow basements.

Last year the City adopted new housing standards with the goal of creating a greater balance of housing choices in the City. These standards included increased minimum home sizes. The Council is concerned that, if a basement is not included, the purpose of the new standards would not be fully met without additional area being added to homes without basements.

During the Planning Commission study session, the Commission discussed the impact the proposed ordinance would have on patio homes, which typically do not have basements. The suggestion was made that perhaps homes without basements should still be allowed even when soil conditions would allow basements as long as the area of the home was increased. This option is included in the staff alternatives below.

Staff Alternatives:

1. Approval of the ordinance as written.
2. Approval of the ordinance with the recommended revision of allowing homes without basements even when soil conditions allow a basement as long as the area of the home is increased.
3. Continuance, for reasons determined during the public hearing.
4. Denial.

Discussion: Commissioner Matheson mentioned that it wasn't long ago that the City increased the building standard to 2,000 and 3,000 sq. ft. per home. He feels the zone text change requiring a basement or additional square footage without a basement is overkill, and is not in favor of it. Commissioner Woodruff is worried that people will not be able to afford to build the more expensive housing. Chair Meaders has concerns about a 2,000 sq. ft. home fitting on an R-1-8 lot without being too close to neighbors.

Motion: Commissioner Matheson moved to deny ZT-4-2016.

Commissioner Fuller seconded the motion. Chair Meaders reminded Commissioners that this is a motion for denial, so a vote yes is to deny.

Roll call vote:

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|-----------------------|-----|
| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner McEwen | Yes |
| Commissioner Meaders | Yes |
| Commissioner Tupou | No |
| Commissioner Woodruff | Yes |

Majority – ZT-4-2016 – Denied

**ZT-5-2016
 West Valley City**

Amending Section 7-14-105 to exempt properties under certain instances from the latest single family dwelling standards

West Valley City staff is recommending an amendment to Section 7-14-105 of the Zoning Ordinance. If adopted, this Section will exempt properties from the latest single family dwelling standards in the following situations:

1. A home that was not subject to the single family dwelling standards adopted in Ordinance #15-27 (the latest standards) is demolished and rebuilt.
2. Vacant, legal parcels zoned for single family dwellings that were in existence prior to April 15, 2015 and where no development agreement applies.
3. All lots in subdivisions that were submitted prior to April 15, 2015 where no development agreement applies.
4. An existing, developed single family dwelling lot in existence prior to April 15, 2015 that is large enough to be subdivided to create one new lot.

Homes built under the situations listed above would follow the design standards that were in place just before the current standards were adopted as outlined in Ordinance 14-28, which is attached. For reference, the table below compares the current standards with the previous standards.

| Requirements | Current Standard (Ordinance 15-27) | Previous Standard (Ordinance 14-28) |
|-------------------------------|------------------------------------------------|------------------------------------------------|
| Minimum rambler size | 2,000 square feet | 1,400 square feet |
| Minimum multi-level size | 3,000 square feet | 1,600 square feet |
| Minimum garage size | 3 car garage* | 2 car garage |
| Exterior materials allowed | Brick, stone, stucco and fiber cement siding | Brick, stone and fiber cement siding |
| Further material restrictions | Fiber cement siding limited to 75% of exterior | Stucco limited to 15% of exterior |
| Minimum roof pitch | 6/12 | 4/12 |

| | | |
|-------------------------------------|-----|-----|
| Minimum # of points for rambler | 250 | 250 |
| Minimum # of points for multi-level | 300 | 300 |
| Architectural shingles required | Yes | No |

*A 2 car garage is permissible when there is a 20’ side yard setback adjacent to the garage and either the 2 car garage is side loaded or the basement of the dwelling is finished.

The City Council directed staff to prepare an ordinance revision that specifically addressed the first situation listed in the proposed ordinance. The Council also asked staff to propose other exceptions that may be appropriate given our experience working with people over the counter.

For the second exception, staff estimates that there are approximately 130 parcels that would qualify for this exception. Staff is working on an estimate for the number of lots in exception three. The fourth exception is difficult to estimate.

Staff Alternatives:

Discussion: Commissioner Woodruff feels these exemptions are reasonable ways to deal with problems that may arise with the ordinances already in place. Commissioner McEwen is concerned these exemptions may open a door for more reasons the public may ask to be released from complying with the current ordinances. He would like more time to go over the table and discuss this petition.

Motion:

Commissioner McEwen moved to continue ZT-5-2016.

The motion failed due to the lack of a second.

Motion:

Commissioner Woodruff moved to approve ZT-5-2016.

Commissioner Matheson seconded the motion.

Roll call vote:

| | |
|-----------------------|-----|
| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner McEwen | No |
| Commissioner Meaders | Yes |
| Commissioner Tupou | Yes |
| Commissioner Woodruff | Yes |

Majority - ZT-5-2016 – Approved

SUBDIVISION APPLICATIONS

S-6-2016

Chase Meadows Subdivision

3380 W 3100 S

R-1-8 Zone

BACKGROUND

Roger Chase is requesting preliminary and final plat approval for the Chase Meadows Subdivision. The subject property is located at 3380 West 3100 South and is zoned R-1-8.

STAFF/AGENCY CONCERNS:

Fire Department:

Fire hydrants to be installed in accordance with the Uniform Fire Code.

Granger Hunter Improvement District:

Project will need an availability letter for water, sewer and fire protection.
Subject to design and review inspections.

Utility Agencies:

Subject to all standard easement locations.

Public Works:

Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.

Coordinate storm water drainage with Public Works.

Will need to obtain a soils report prior to plat recordation.

Building Inspections:

Follow recommendations outlined in the soils report.

ISSUES:

The proposed subdivision consists of 7 lots on 2.26 acres. This equates to an overall density of about 3 units per acre. Lot sizes range from 9,222 to 15,580 square feet. The average lot size in the subdivision has been calculated at 10,479 square feet.

There is an existing home on the property that will remain on Lot 101 of the subdivision, leaving six lots available for new single family homes. The existing outbuildings on the other lots will be removed. All new homes will need to meet the single-family development requirements as outlined in 7-14-105 of the West Valley City Code.

Access to the subdivision will be gained from 3100 South. The road will meet our typical 54-foot right-of-way. This will allow for the City's standard improvements of 29 feet of asphalt, 5 feet for curb and gutter, along with a 5-foot parkstrip and 5-foot sidewalk. The developer will need to coordinate the access with the owners of property adjacent to 3100 South as additional right-of-way is required for the new roadway to be built.

There is an existing duplex that is adjacent to the south-west corner of the new subdivision. Since the rear yard of the property will be next to the new road, the developer will be required to put stamped concrete in the parkstrip behind this lot.

As with all new subdivision development, there is a concern with the potential of ground water impacts. The developer has not submitted a soils report yet, but one will need to be obtained before the subdivision plat is recorded. All of the recommendations outlined in the report will need to be followed, along with any additional recommendations from the City Engineer and the Building Official.

Lots 104 – 107 will be adjacent to property zoned A. City ordinance requires that a 6-foot chain link fence be installed on the east side of these lots. Depending on the use of the adjacent property, fencing may or may not be necessary. Staff will recommend that the applicant coordinate this matter with the land owner to determine if fencing is needed.

1. STAFF ALTERNATIVES:

- A. Grant preliminary and final plat approval for the Chase Meadows subdivision subject to the following conditions:
1. That compliance be made with Granger Hunter Improvement District regarding water line extensions, sewer connections and fire protection.
 2. That the subdivision name and interior street name be approved by Salt Lake County.
 3. That a soils report be obtained and that recommendations outlined in the report be followed along with any other recommendations from the City Engineer and Building Official prior to plat recordation.
 4. That interior street widths and cross sections be reviewed and approved by the Public Works Department.
 5. That all matters pertaining to any existing irrigation systems be addressed with the Public Works Department and water users.
 6. That stamped concrete shall be installed in the parkstrip behind the property located at 3388 W 3100 S.
 7. That the developer coordinate fencing on the east side of lots 104 – 107 with the adjacent land owner. If the property owner anticipates agricultural uses, a 6-foot chain link fence will need to be installed. Also, that a note be placed on the plat regarding the agricultural uses and their potential impacts to the subdivision.
 8. That the developer resolve all staff and agency concerns.
- B. Continuance to allow for more discussion regarding the application.

Applicant:

Mike Harden, representing Roger Chase
1424 Thoroughbred Drive
Kaysville, UT

Motion: Commissioner Tupou moved to approve S-6-2016 subject to the eight conditions listed in the staff report.

Commissioner Woodruff seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner McEwen | Yes |
| Commissioner Meaders | Yes |
| Commissioner Tupou | Yes |
| Commissioner Woodruff | Yes |

Unanimous – S-6-2016 - Approved

S-7-2016

The Landing Condominiums Amended

2780 South 5600 West

C-2 Zone

1.67 Acres

BACKGROUND

Mr. Ken Kelter is requesting a plat amendment regarding the Landing Condominiums. The subject property is located at 2780 South 5600 West and is immediately south of the Workforce Services building. The property is presently used for medical and retail uses in the C-2 zone.

ISSUES:

The applicant is proposing to amend the existing condominium plat by formally platting the convertible land into a new building pad. The definition of a condominium is the ownership of a single unit in a multiunit project, together with an undivided interest in the common areas and facilities of the property.

The Landing Condominium plat was recorded in May 2011. As part of that plat, a portion was designated as convertible land, meaning that it would develop at a later time. Under provisions of the Utah Condominium Act, the applicant has 5 years to convert this space. As May 2016 would be the five year mark, the applicant is proposing to utilize the convertible land.

All exterior parking spaces, landscaping and common areas are held in common ownership. The applicant has submitted an updated and amended declaration and CCR's which will address the convertible land space.

The existing site received conditional use approval from West Valley City in 2005. The site plan approved for this property has not changed from its original approval. Parking, landscaping and building improvements are in good condition.

STAFF ALTERNATIVES:

1. Approve the Amended Landing Condominiums subject to a resolution of staff and agency concerns.
2. Continue the application to address concerns raised during the Planning Commission hearing.

Applicant:

Ken Kelter
1797 Elderbeck Lane
Draper, UT 84020

Discussion: Ken Kelter said public improvements and utility stubs have already been installed for this new, fourth building.

Motion: Commissioner Fuller motioned to approve S-7-2016

Commissioner Tupou seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner McEwen | Yes |
| Commissioner Meaders | Yes |
| Commissioner Tupou | Yes |
| Commissioner Woodruff | Yes |

Unanimous – S-7-2016 - Approved

S-8-2016

Maverik Gates Avenue Subdivision – Amending lots 1-3 in Block 1 East Magna Plat A.

7200 West Gates Avenue

M Zone

2 Lots

BACKGROUND

Todd Meyers, representing Maverik Inc., is requesting preliminary and final subdivision approval for the Maverik Gates Avenue Subdivision. The proposed subdivision will also amend lots 1-3 in Block 1, of the East Magna Plat A Subdivision. This is a commercial subdivision consisting of 3.78 acres in the Manufacturing zone having an address of 7200 West Gates Avenue.

ISSUES:

The subdivision is being proposed to consolidate and reconfigure lots 1-3 in Block 1 of the East Magna Plat A Subdivision. The resulting action will create 2 new developable lots. Maverik Inc. is proposing to build a new store on lot 1 of this subdivision. Lot 2 will develop in the future as either a commercial and/or industrial use. Lot 1 is approximately 2.9 acres in size and will be the location of the future Maverik store. Lot 2 is approximately .77 acres in size and is expected to develop with either a commercial or industrial use in the future.

The primary business access for both lots will be gained from Gates Avenue. A second temporary access for lot 1 has been granted at the northwest corner but will be limited to right in and right out movements. The applicant will be dedicating portions of property along 7200 West and Gates Avenue. Formal improvements are lacking on both streets, but will be installed as development applications are submitted.

Because this application is a commercial subdivision, staff and agency comments will be addressed as part of the permitted use application for the new Maverik store. The subdivision plat will contain easements and other information applicable to the division of property.

STAFF ALTERNATIVES:

1. Approve the Maverik Gates Avenue Subdivision and the amendment to lots 1-3 in Block 1, East Magna Plat A Subdivision subject to a resolution of staff and agency concerns.
2. Continue the application to address concerns raised during the Planning Commission hearing.
Applicant:

Applicant:

Elizabeth Hunt, Maverik employee
185 South State Street
Salt Lake City, UT

Discussion: Elizabeth Hunt said Maverik wants to consolidate the existing parcels and create two lots. Commissioner Matheson asked if the outside storage on the property has been cleaned up. Steve Lehman said there is a building existing on the adjacent lot that is not part of the subdivision. The property owned by Maverik will be cleaned up as part of the site development. Commissioner Tupou asked if there is access for the larger tractor trailer fueling station. Steve Lehman said there will be a second access located on Gates Ave.

Jack Nielson, 2450 South 7200 West, owns the building surrounded by the property being purchased by Maverik. He operates an electric motor rewind shop that overhauls generators from the Glen Canyon Dam. Jack Nielson stated that he is in support of Maverik, but is concerned that diesels driving around his building to get to the fuel stations may damage his building. He would like to have impact posts installed to protect the corners of his building. He would also like a sliding gate installed so that he can have emergency access to his west door. Jack Nielson said the land to the north could possibly be wetland. The pussy willows that grow there indicate it has a high water table. Jack Nielson suggested that the fuel ports/tanks be moved to a space that has already been compacted.

Jack Nielson said he previously planned on purchasing the land west of his building. He installed a door on the west side of his building so he could have access to the property. His building is about 10' from the west property line.

Jack Nielson said he previously owned the land that Maverik is going to build on. He sold it to Senator Stuart Adams with the knowledge that Senator Adams was going to buy Jack Nielson's current lot three months after purchasing the original lot. That never came to fruition, so Jack Nielson was in the process of suing Senator Adams to fulfill the contract. Jack Nielson said he contacted Mark Nord, Manager of Redevelopment for the City. At that time Mark Nord entered into a contract with Jack Nielson to purchase his land for \$307,000. Jack Nielson said, after a

year and a half, Mark Nord backed out of the deal. A year later Jack Nielson decided to build a new building at a cost of \$150,000. Mark Nord contacted Jack Nielson a week after the prefab building parts were laying on the ground in pieces. Jack Nielson said he and Mark Nord came to an understanding that either Mark Nord would buy the property at a reasonable cost, or he was going to build. After negotiations, they agreed to a property swap. Jack Nielson was going to take the property to the east and Mark Nord was going to take Jack Nielson's property, but Mark Nord wanted an additional \$200,000. Jack Nielson said Mark Nord's brother showed up to purchase the property through a holding company. Jack Nielson said that Senator Stuart Adams put a block on him through UDOT, which he says is all documented. Jack Nielson feels there is insider trading going on at the City. He said he will make an appointment with the City Council to discuss the problem.

Steve Lehman acknowledged the development of the property will be reviewed by staff and the engineering office regarding wetlands and vehicular access. The traffic engineer will evaluate the turning movements of the diesel trucks around Jack Nielson's building. If there are wetlands on the site, a determination will need to be made as to whether they are jurisdictional or not. There are ways to mitigate wetlands through wetland banking. However, all these issues are irrelevant to the subdivision that is being reviewed today. These other issues are more subject to the site plan review. The subject today is to divide the property into two lots.

Motion: Commissioner Woodruff moved to approve S-8-2016.

Commissioner McEwen seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner McEwen | Yes |
| Commissioner Meaders | Yes |
| Commissioner Tupou | Yes |
| Commissioner Woodruff | Yes |

Unanimous – S-8-2016 - Approved

S-9-2016

The Shoppes at Lake Park Phase 2 – Amending Lot 2A

2927 South 5600 West

C-2 Zone

BACKGROUND

Derek Gasser is requesting a plat amendment for lot 2A of the Shoppes at Lake Park Phase 2 Subdivision. The purpose for the amendment is to create two lots from the existing amended lot.

STAFF/AGENCY CONCERNS:

There are no staff or agency concerns with this application.

ISSUES:

The Shoppes at Lake Park Phase 2 Subdivision was recorded with the Salt Lake County Recorder's Office in June 2007. In April 2012, lots 2 and 3 were amended by consolidating them into one lot known as lot 2A.

The property owner has expressed a desire to re-subdivide this property to allow one or both portions of the existing building to be sold independent of each other. In order to do so, the property will once again comprise 2 lots. However, the configuration of the lot line will be north/south, whereas the original property line was east/west.

There are no major staff or agency concerns with this application as they have been addressed as part of the original subdivision application. Furthermore, the existing building and site improvements have been reviewed and approved by the Planning Commission in conjunction with the 5600 West Overlay Zone.

However, there is one item that will need to be addressed as a result of the amended plat. The property owner will need to prepare cross access and parking agreements that will need to be recorded along with the amended subdivision plat. In addition, storm water agreements will also need to be addressed as the existing drainage system will impact both lots.

Plat amendment applications require that the Planning Commission forward a recommendation on to the City Council. Once reviewed and approved by the Council, the amended plat will be recorded to add a new property line creating 2 separate lots.

STAFF ALTERNATIVES:

- A. Approval of the amendment to lot 2A of the Shoppes at Lake Park Phase 2 Subdivision.
- B. Continuance to allow for more discussion regarding the application.

Motion: Commissioner Fuller motioned to approve S-9-2016.

Commissioner McEwen seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner McEwen | Yes |
| Commissioner Meaders | Yes |
| Commissioner Tupou | Yes |
| Commissioner Woodruff | Yes |

Unanimous - S-9-2016 - Approved

CONDITIONAL USE APPLICATIONS

C-67-2015

Pacific Supermarket and Car Sales (Van Nguyen)

**2351 and 2363 S. Redwood Rd
C-2 Zone (1.81 Acres)**

The applicant, Van Nguyen, is requesting a conditional use for a used auto sales business and a supermarket at 2351-2363 S. Redwood Rd. The zoning for this area is C-2, General Commercial. The West Valley City General Plan designates this area as general commercial. The surrounding zone to the north is A (Agricultural), to the south and east is RM (Residential Multifamily) and to the west is M (Manufacturing). The surrounding uses include single family residential to the north, the Red Oaks PUD to the south and east and office/warehouse uses to the west across Redwood Road.

The property was rezoned in 2010 from A (Agricultural) to C-2, general commercial, in anticipation of some commercial development (Z-2-10). There are currently two single family homes on the property that will be removed for the new development. Currently the property is divided in to 2 parcels. Staff will review the development plans with the applicant to determine if a lot consolidation is necessary or if the site can remain as two separate parcels.

The supermarket will occupy the northern parcel. The building will be approximately 12,800 sqft and constructed of stucco with a rock/brick wainscot along the front elevation. The design must comply with the Commercial Design Standards. There are 56 parking spaces on this portion of the site. A minimum of 51 spaces are required for retail uses of this size (1/250 sqft).

The car sales use will occupy the south side of the site. There will be a small building located on site (944 sqft) for a lobby, sales office and detail shop. The building will be constructed of stucco with architectural features that are similar to the supermarket building. This building design must also comply with the Commercial Design Standards. This portion of the site will only be used for auto sales and will not be used for auto repairs, washing or storing salvaged vehicles. There are 50 parking spaces on this portion of the site. A minimum of 5 customer/employee parking spaces are required for auto sales. The remaining spaces will be used for display of vehicles. There will be three employees for this use.

The property has frontage along Redwood Road, which is a High Image Arterial. Therefore, the site must comply with the standards set forth in title 7-13 of the WVC Municipal Code which include a 15' landscaped berm, a 10' sidewalk and a 5' landscaped strip with site lighting. Additional landscaping has been added throughout the site to comply with the required setbacks adjacent to residential and the required parking lot landscaping. The overall minimum required landscaping is 13.5% and they have provided 24% on the supermarket site and 21% on the car sales site.

The applicant has indicated that there will be wall signage identifying the businesses. No other signage has been proposed at this time. If a monument sign is requested it shall meet the standards set forth in Title 11 of the WVC Municipal Code.

There are dumpsters proposed for each building on site. The locations must comply with 7-2-123 and be located at least 20' from the adjacent residential zone boundaries and must be located within a 6' tall masonry enclosure.

Due to the close proximity of this use to residential, a lighting plan was also submitted with the application and has been included in the packet for review. The lighting plan does show that the site will be in compliance with the City Code and the lighting should not negatively impact the adjacent residential uses. A 6' masonry wall is also required when commercial development is adjacent to residential uses. The Red Oaks PUD is bordered by a vinyl fence, which shall remain adjacent to the new masonry wall.

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 for a supermarket and auto sales only. The site may not be used for auto repair, washing or 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 frontage shall be designed in accordance with chapter 7-13, Standards for Landscaping Along High Image Arterials.
4. The buildings on site must meet the Commercial Design Standards.
5. A 6' tall masonry wall, measured from parking lot grade, is required along the perimeter of the site adjacent to residential uses.
6. Lighting shall be installed per the approved lighting plan and shall not negatively impact the adjacent residential uses.
7. All signage shall comply with the West Valley City Sign Ordinance, including all temporary signs.
8. All requirements of affected departments and agencies must be met, including but not limited to WVC Public Works and UDOT.
9. 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:

Van Nguyen
6280 South Faber Lane

Discussion: Van Nguyen reported he met with UDOT on May 30. There are currently three entrances to the property. UDOT approved one entrance on the center of the property

Lindsay Schleiger serves on the HOA Board of the Red Oaks Village, the community adjacent to this lot. In behalf of the Red Oaks Village HOA Board, Lindsay Schleiger addressed the following concerns:

1. The property has been unkempt for years. It has been used as a dumping yard for junk and inoperable vehicles. Lindsay Schleiger reported that on three occasions, workers removing trees and bushes from the neighboring property have damaged their fence. The Red Oaks Village HOA has not been compensated for this damage and needs assurances that any future work will not result in damage to their property.
2. The proposal by the property owner mentions verbal approval from UDOT. Has a traffic study been conducted? This lot will add two more entrances off of Redwood Road in a section of road that is often backed up during rush hour traffic. What will the owner do to ensure no left hand turns are made out of this lot? The placement of these entrances will likely cause a number of potential customers to turn into the Red Oaks Village driveway and have to turn out again, increasing traffic issues.

3. The HOA Board has concerns over noise and lighting pollution. What are the store hours going to be? When and where will deliveries be made? The proposed car lot will be adjacent to current homeowners. A six foot cinder block wall will not adequately prevent noise and lighting from disturbing homeowners. The lighting plan does not include information on how tall the lights are going to be, what type of bulbs/wattage will be used, and what the directional lighting plan will be. Based on the lighting plan, there are plans for seven lights on the sides facing Red Oaks Village homeowners. There are multiple units with windows directly facing the proposed lights. When will the lights turn on and off?
4. Finally, the HOA Board is concerned about whether a used car lot is the best use for this property. There are a significant number of used car lots on Redwood Road between 2800 South and 4100 South, including one lot that went out of business and still remains empty. There are also used car auction sites. All of these current sites are within 2.5 miles of the property owner's proposed site. Over the last six months, the Planning Commission has conditionally approved six used car lots within three miles of this proposed location. One of these, Wasatch Peak Auto at 2363 South Redwood Road received conditional approval during the same meeting the property owner proposed, and is basically right across the street from where this property owner wants to place another used car lot. Does adding another car lot on a road that is inundated with these businesses really enhance our sense of community or make WVC a more desirable place to live? According to the City website, the Planning Commission hopes to encourage home ownership and improve the City's appearance. Based on the number of unsightly vehicles already parked on this property and the history this property owner has of not taking care of his property, we are not sure allowing another used car lot is going to help the City achieve these goals. There are serious concerns about how this lot will impact the property values of the residents of our community.

Chair Meaders said the Planning Commission cannot address the matter of damages to the Red Oaks Village fence. Jody Knapp said lighting issues will be addressed through the parking requirements of the City code. We can ask the applicant if he plans on turning off the lights when the stores are closed. We can also look at putting shields on the lights so there isn't a glare on adjacent properties. Jody mentioned that a dark parking lot behind a commercial area can cause problems as well. The conditional use application can include conditions about where cars can and cannot be parked. If the applicant does not live up to these conditions, his business license could be affected. Jody said this application is for auto sales only, not as a salvage yard or dismantling of cars.

Al Jeppson, 1632 Little Oak Court, said he appreciates the thought put into the entrance of the property, it shows good planning. The fence and trees surrounding the property and not having a repair shop on the property will be advantages. Al Jeppson asked about the lighting level of the surrounding lights. Jody Knapp said they will be .01 foot candles. Jody Knapp indicated the hours of operation for both uses are M-F, 10:00 a.m. - 8:00 p.m., closed on Sundays. Van Nguyen indicated he may turn the lights off after the stores close, around 8:30 p.m.

Gordon Johnson, 1223 East Center Street, Bountiful, UT, operates a business across the street from the applicant. He asked what will happen to the service station located on the corner of the property. Jody Knapp said the service station will remain. Gordon Johnson feels only one entrance will create traffic congestion both in and out of the property. He feels another entrance should be located towards the back of the service station, or recommended a wider entrance in front to create better traffic flow. Jody Knapp said this property is located on a state road that is

regulated by UDOT. UDOT's priority is to consolidate access points. They have a maximum width for an access point. The standard width for an access is between 35-40 feet. Van Nguyen reported that when he met with UDOT on May 30, they said only one entrance is allowed for 350 linear feet property.

Motion: Commissioner McEwen moved to approve C-67-2015 subject to the nine conditions listed in the staff report.

Commissioner Tupou seconded the motion.

Roll call vote:

| | |
|-----------------------|-----|
| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner McEwen | Yes |
| Commissioner Meaders | Yes |
| Commissioner Tupou | Yes |
| Commissioner Woodruff | Yes |

Unanimous – C-67-2015 - Approved

C-11-2016

Verizon Wireless

1612 W. 3500 S.

C-2 Zone (.37 Acres)

Verizon Wireless is requesting a conditional use for the construction of a roof mounted antenna at 1612 West 3500 South. This property is zoned C-2, General Commercial and the West Valley City General Plan designates this area as Mixed Use. The surrounding zones include C-2 commercial to the north, east and west with C-3, Transitional Commercial to the south. The surrounding uses include parking for a hotel to the north, and the remaining sides are retail uses.

Verizon Wireless would like to install one roof mounted antenna on top of the existing building at this location. The antenna is 2.5' tall as measured from the top of the parapet wall and 10' from the roof deck. The antenna is set back 21'11" from the exterior wall on the east side of the building, 40' from the north wall and 74'9" from the south wall. This location complies with the location standards set forth in section 7-23-206 of the WVC Municipal Code.

Verizon Wireless has not proposed to add any screen type structure around the antennas and feel that screening will be more visually intrusive than the antenna alone. The antenna will however be painted to match the building.

The supporting equipment will also be located on the roof adjacent to the antenna. The equipment is approximately 5' tall and will be completely screened by the adjacent 7.5' parapet wall. A generator is not proposed for this site.

Staff Alternatives:

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

1. The antenna shall be installed per the approved plans and in accordance with Chapter 7-23 of the WVC Municipal Code.

2. The antenna shall be painted to match the colors of the existing building.
 3. The supporting equipment shall be located on the roof and screened per the approved plans.
 4. Must comply with all other relevant requirements set forth from applicable department and agencies.
- Continuance, to allow for the resolution of any issues raised at the public hearing.

Applicant:

Pete Simmons
4710 South Green Street

Discussion: Chair Meaders asked if this antenna will be screened. Jody Knapp answered that the Planning Commission has generally recommended cell antennas not be screened.

Motion: Commissioner Woodruff moved to approve C-67-2015 subject to the four items listed in the staff report.

Commissioner Tupou seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner McEwen | Yes |
| Commissioner Meaders | Yes |
| Commissioner Tupou | Yes |
| Commissioner Woodruff | Yes |

Unanimous – C-11-2016 - Approved

C-13-2016

Wasatch Peak Auto

2386 S Redwood Rd.

M Zone (3.15 total acres)

The applicant, Paul Jensen, representing Wasatch Peak Auto, requests a conditional use for auto sales at 2386 S Redwood Rd. The zoning for the site is Manufacturing. Auto sales is a conditional use in this zone. The surrounding zones include Commercial to the north and east and Manufacturing to the south and west. The General Plan designates this area as Light Manufacturing.

There are three buildings on the property. The applicant plans to occupy the furthest building to the west and will occupy the south portion of the building. The warehouse is 2312 sq. ft. and the office is 850 sq. ft. There is one overhead door for the unit located on the west side of the building.

Wasatch Peak Auto is an internet based car dealer. They plan to store up to 14 vehicles inside the warehouse and they have three spaces available outside the overhead door on the west side of the building. There is one employee and an additional salesman may be added in the future. The operating hours are Monday-Saturday 7:00 am to 6:00 pm. There will be no washing, servicing or repairs done at the site.

The parking requirement for auto sales is five parking spaces. There are seven parking spaces in front of the building and five of those spaces must remain open for customer and employee parking. The property and parking lot are well maintained. The applicant plans on having a 20 foot sign on the building which meets the requirements of the sign ordinance. A sign permit will need to be obtained before the sign is put on the building.

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 only. There will be no washing or repair of vehicles at the site.
2. Other than used car inventory on display, there shall be no other outside storage permitted.
3. Five parking spaces shall be for customer and employee parking. These spaces can't be used to store inventory.
4. All signage shall comply with the West Valley City Sign Ordinance, including all temporary signs.
5. All requirements of affected departments and agencies must be met.
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:

Paul Jensen
2784 Lake Street

Motion: Commissioner Tupou moved to approve C-13-2016 subject to the six items listed in the staff report.

Commissioner Fuller seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner McEwen | Yes |
| Commissioner Meaders | Yes |
| Commissioner Tupou | Yes |
| Commissioner Woodruff | Yes |

Unanimous – C-13-2016 - Approved

C-14-2016
Waterpocket Distillery, LLC
2084 West 2200 South
M Zone (1.15 Acres)

The applicants, Alan and Anna Scott, representing Waterpocket Distillery, are requesting conditional use approval for a Distillery and Type 5 Package Agency at 2084 West 2200 South. This property is zoned M, Manufacturing, and manufacturing of alcoholic products is a conditional use in this zone. The West Valley

City General Plan designates this area as Light Manufacturing. The adjacent property is also zoned Manufacturing and the surrounding uses are office/warehouse type uses.

The applicants are proposing to manufacture, store, bottle and distribute liquor at this location. The overall building is approximately 10,000 sqft and the distillery will occupy a 2,500 sqft unit in the south west corner of the building. A diagram of the floor layout has been included for your review, as well as a description of the process involved in the manufacturing of the product at this location. The construction of the distillery will be coordinated with the West Valley City Building and Fire Departments, as well as Granger Hunter Improvement District.

Initially the business will be operated by the two owners with no additional employees. The products will be sold to the DABC but there will also be a retail storefront provided that is approximately 200 sqft. The proposed hours of operation will be Monday – Friday from 4 p.m. – 8 p.m. and Saturdays from 11 a.m. – 5 p.m. There are four (4) parking spaces provided which are adequate for this use. There will be no consumption or tastings allowed on the property at this time.

The business will be applying for a Distillery Manufacturer’s License as well as a Type 5 Packaging Agency license from the Utah Department of Alcoholic Beverage Control (DABC). They are also required to get permits through the Federal Alcohol, Tobacco Tax and Trade Bureau (TTB). The site parking and landscaping are well maintained. The only signage proposed is a small sign on the entrance door of the building.

Staff Alternatives:

Approval, of manufacturing, storing, bottling and distribution of a liquor subject to the resolution of any issues raised at the public hearing and the following conditions.

1. There shall be no tastings or consumption available on site for the public at any time, unless permitted by the DABC.
2. Must obtain a West Valley City Business license.
3. Must meet requirements of all affected departments and agencies including but not limited to the West Valley City Building and Fire Departments, Granger Hunter Improvement District, the Federal Alcohol, Tobacco Tax and Trade Bureau and the Utah Department of Alcoholic Beverage Control.
4. Subject to review upon valid complaint.

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

Applicants:

Al and Anna Scott
31416 Agoura Road

Discussion: Chair Meaders, noting the first staff condition that no tasting or consumption should be on the site, mentioned that the State legislature has made some changes regarding tasting at manufacturing sites. Brandon Hill suggested that if the Commission moves to approve, add to that condition, “Unless permitted by the DABC”.

Al Scott said he attended a discussion at the DABC yesterday. The State legislature determined it is practical and functional to taste at manufacturing sites. Tasting can be done as long as an education permit has been acquired. This new law goes into effect in July. The other requirement is a food requirement that the DABC still needs to define. They will seek advice from a dietician to determine

what amount of food will be required to offset the tasting. The maximum amount permitted in the tasting is 2.5 ounces. No tasting can be done in view of children.

Chair Meaders asked the Scotts why they chose this location. Al Scott said it is due to zoning, the size of the facility, and a love for the City. It is also a good, central location in the valley.

Motion: Commissioner Tupou moved to approve C-14-2016, amending staff condition #1 to say, “unless permitted by the DABC,” the other three conditions as proposed.

Commissioner Matheson seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Fuller | Yes |
| Commissioner Matheson | Yes |
| Commissioner McEwen | Yes |
| Commissioner Meaders | Yes |
| Commissioner Tupou | Yes |
| Commissioner Woodruff | Yes |

Unanimous – C-14-2016 - Approved

PLANNING COMMISSION BUSINESS

Approval of Minutes from March 23, 2016 (Regular Meeting) **Continued**

Approval of Minutes from April 6, 2016 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:45 p.m.

Respectfully submitted,

Brenda Turnblom, Administrative Assistant