



**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

April 12, 2017

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

Brent Fuller, Mathew Lovato, David McEwen, Clover Meaders, Martell Winters, and Cindy Wood

ABSENT

Harold Woodruff

WEST VALLEY CITY PLANNING DIVISION STAFF

Brock Anderson, Ryan Harris, Steve Pastorik, and Brenda Turnblom

WEST VALLEY CITY LEGAL DEPARTMENT

Brandon Hill

AUDIENCE

There were 8 people present in the audience.

Z-2-2017

Wind River Construction and Development Inc.

7104 W Gates Avenue

A to M

0.45 acres

Dave Dominguez with Wind River Construction and Development has requested a zone change on two parcels totaling 0.45 acres at 7104 W Gates Avenue from A (agriculture, minimum lot size ½ acre) to M (manufacturing). Surrounding zones include M to the east and west and A to the south (the frontage road and SR-201 are to the north). Neighboring uses include auto towing, repair, and sales to the east; vacant property and a salvage yard to the south; and a small warehouse building to the west. The subject property is designated as light manufacturing in the West Valley City General Plan.

The applicant has submitted a concept plan, which is attached. The intended use is a construction yard, office and shop with an 8' precast concrete wall along the north, west and south sides of the property. According to the applicant, the yard, which would be used to store a couple of mini-excavators, a dump truck and construction materials like pipe fittings, would be constructed first and then the office and shop would be built sometime in the future. If the zone change is approved, a variance will be required to reduce the landscaping as shown on the concept plan. In addition, a conditional use permit would be required for the use approval.

This property is in a highly visible location positioned along the frontage road and within view of SR-201. The proposed yard would be considered outside storage. The ordinance includes the following requirement for outside storage: "All Outside Storage areas shall be screened from public view. The Planning Commission shall require such screening by means of fencing, Landscaping, Building placement, topography, berming, or other appropriate method." In this particular situation, fencing seems the most appropriate screening method. Staff recommends that the proposed 8' precast wall be required either in a development agreement or as a condition of approval on the conditional use permit.

Staff Alternatives:

- Approval.
- Approval, subject to a development agreement that requires the 8' precast concrete wall for screening.
- Continuance, for reasons determined at the public hearing.
- Denial.

Applicant:

Dave Dominguez
1358 Fairway Drive
Washington, UT 84780

Discussion: Dave Dominguez said he runs a small, part time contracting business and owns a couple of mini excavators. He desires to install an 8' precast wall around his property and understands he will need to appear before the Board of Adjustment to apply for a landscaping variance.

Motion: Commissioner Fuller moved to approve Z-2-2017 subject to the development agreement that requires an 8’ concrete wall for screening.

Commissioner Lovato seconded the motion.

Vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Chair Meaders	Yes
Commissioner Winters	Yes
Commissioner Wood	Yes

Unanimous – Z-2-2017 – Approved

Z-3-2017

PDK Holdings

2271 South Lester Street

LI to M

0.22 acres

Pamella de Freitas with PDK Holdings has requested a zone change on a 0.22 acre parcel at 2771 South Lester Street (5700 West) from LI (light industrial) to M (manufacturing). The subject property is completely surrounded by LI zoning. Surrounding uses include a metal recycling business to the north, a motorcycle salvage yard to the east, and vacant property to the south and west. The subject property is designated as light manufacturing in the West Valley City General Plan.

The applicant has submitted a letter and concept plan, which are attached. In the letter, the applicant makes several statements that staff believes need a response.

Statement from Applicant: “I never received any notice advising of that change.”

Response from Staff: Notice was sent to the owner of record as shown on County Assessor records. It is the duty of the owner to provide the Assessor accurate information to receive important documents like tax notices.

Statement from Applicant: “I am requesting consideration to allow me to pay my license due retroactively [sic] and reinstate my license...”

Response from Staff: The application submitted by the applicant is a zone change. That is what the Planning Commission must consider. The Planning Commission does not have the authority to reinstate a license that was terminated. For the Commission’s information, the most recent towing business licensed at this location, Blanco Towing, LLC, terminated their license on 8/31/2015. The property was rezoned to LI on 7/12/2016.

Statement from Applicant: “...according to the new allowed zoning rule in that area there is absolutely no type of business related to my industry I can do in that yard or anything else.”

Response from Staff: The LI zone lists over 40 permitted or conditional uses including uses like warehousing, truck transfer companies, self-storage facilities, light industrial, and professional office.

This property and many others located between 2100 South and 2500 South on the west side of 5600 West were rezoned (application # Z-6-2016) from M to LI in July of 2016. The reasons outlined in the staff report for the rezone to LI were:

Current Zoning and General Plan Designation Not Compatible

Zoning is the primary tool for implementing the City's General Plan. If zoning and the General Plan are not aligned, the City's goals will not be realized. There are several uses allowed in the M Zone that are heavy industrial and not compatible with the General Plan designation of light industrial for this area.

Of the 72 acres proposed for rezoning, approximately 24 acres are developed. From the remaining vacant acreage, an estimated 13 acres will be used for the Mountain View Corridor.

Area Development and Anticipated Changes Make Heavy Industrial Inappropriate at this Location

The salvage yard area has included businesses since before the City was incorporated. The closest development to the salvage yards in the late 70's was over a mile away. Now, new development is approaching on all sides. The subject area has exposure from 5600 West with over 43,000 cars a day and SR 201 with nearly 63,000 cars a day.

UDOT is currently extending the Mountain View Corridor north from 5400 S to 4100 S. The extension from 4100 S to SR 201 is projected to be completed in 2020. According to the Wasatch Front Regional Council, projected 2040 average weekday traffic on this segment of the Mountain View Corridor is 145,000.

In summary, 5600 West is a critical, high visibility, commercial arterial and development along this gateway corridor will only become more visible in the future. New development along 5600 West has the potential to significantly grow employment opportunities and improve the image of the City. Heavy manufacturing uses such as those permitted in the M Zone will not promote these ends as effectively as development in accordance with the provisions of the LI Zone. In addition, heavy manufacturing uses are incompatible with current development patterns, the anticipated evolution of the 5600 West corridor, and the City's efforts to promote the 5600 West corridor as a gateway to the City.

These reasons have not changed. Therefore, staff does not support this zone change application.

Staff Alternatives:

- Denial, the General Plan calls for light manufacturing.
- Continuance, for reasons determined at the public hearing.
- Approval.

Applicant:

Pamella De Freitas
3394 West 3500 South
West Valley City, UT 84119

Discussion: Pamella De Freitas said she let her business license lapse and said she did not receive notice of the zone change hearing. She feels that if she had received notice of the zone change hearing, she could have quickly reinstated her license and continued to use her property as an impound lot.

Steve Pastorik explained that zone change notices are sent to the owner of record. The City does not maintain a City ownership data base. There are over 35,000 properties in the City. Salt Lake County is the entity that tracks property transactions. We rely on the County to provide that information and we sent notice to the owner of record.

Pamella De Freitas said she purchased this property for \$65,000 cash. She later received notice of an assessment due for \$5,000. She says that in order to collect the assessment, notice was sent via certified mail and she also received phone calls. Pamella De Freitas feels that notice of the zone change should have also been sent via certified mail to her home. The address the notice was sent to was “for tax purposes only”, and should not be used to send a zone change notice.

Steve Pastorik said the City created an assessment area in order to provide water and sewer to this property as well as properties to the north and the south. When it came to collecting payment for the assessment, we use the same information that is provided by the County.

Chair Meaders asked Steve Pastorik if we sent notice in accordance with City ordinance and state statutes. Steve Pastorik answered yes.

Pamella De Freitas said she cannot do anything with the property unless she invests in building there, which is not a possibility for her now. She wishes to sell her property, but the offers she has received are only half of what she paid. Pamella De Freitas said she cannot continue her business now, but must either sell it at a loss or wait and see what happens.

Pamella De Freitas said she runs six different tow yards. Because of the vandalism and stealing on this property, she only leaves things there that she doesn't care about. She supports the improvement of the salvage yard area.

Commissioner Lovato recalls that when the public hearing was held on June 8, 2016 to discuss the zone change from LI to M, notices had been sent to around 40 businesses and residents. Those who attended the public hearing were in support of the zone change and Planning Commissioners voted unanimously to approve it. Commissioner Lovato said the Planning Commission does not want to go back to M zoning.

Commissioner Winters asked about the moratorium process. Steve Pastorik explained a moratorium is a temporary stay or hold on land use applications such as building permits, zone changes, and conditional use permits. In this particular area, leading up to the change of zoning, the City did enact a moratorium that put a freeze on any of these types of applications. Commissioner Winters asked if a moratorium would include a new business license. Brandon Hill said the moratorium would not affect a continuation of an existing use. However, a new use would not be permitted under the moratorium. In this case the business license was affirmatively terminated well before the moratorium and the rezoning.

Commissioner Winters asked if Pamella De Freitas had received notice of the zone change hearing, would she have been able to quickly reinstate a business license in this area before the zone change occurred. Brandon Hill answered no, the use was terminated affirmatively. A new use would have been prohibited by the moratorium. Once the zone change application was

initiated, that would govern all properties. If there was not an existing, valid tow use there at that time, it would not be allowed while the ordinance was pending. Since the ordinance passed, the ordinance would not allow her to receive a vested right that was not there before. Even if the zone change notice was hand delivered to the applicant, she would not have the ability to restart that use.

Motion: Commissioner McEwen moved to deny Z-3-2017.

Commissioner Winters seconded the motion.

Vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Chair Meaders	Yes
Commissioner Winters	Yes
Commissioner Wood	Yes

Unanimous – Z-3-2017 - Denied

C-6-2017

Master Lube Monument Sign 4650 S

Constitution Blvd.

C-2 Zone (0.3 Acres)

The applicant, IG Sign, is requesting conditional use approval for an electronic monument sign for Master Lube. The zoning for the site and the two adjacent properties to the north and south is C-2, General Commercial. There is a car wash on the parcel to the north and a convenience store with fuel sales on the parcel to the south. The property to the west is a State Driver License Division, which is zoned A, Agriculture. To the east is a commercial development that is located in Taylorsville City. The West Valley City General Plan anticipates General Commercial uses for this site and the properties to the north and south, and Community Use for the parcel to the west.

Master Lube is proposing to replace the existing monument sign with a new sign that has an electronic message panel. The West Valley City Sign Code, Title 11, states that an electronic message sign that is incorporated into a monument sign cannot occupy more than 50 percent of the entire sign face (11-5-107(1)(a)(iii)). However, there is also a provision that allows the Planning Commission to review conditional use applications for signs that have an electronic message portion that is larger than what is permitted (11-5-107(4)). The proposed Master Lube sign (Sign

A) has an overall sign area of 40 square feet, with the electronic portion occupying 24.74 square feet of the sign face, or about 61 percent.

The applicant has also provided a rendering of a sign that meets all regulations of Title 11 as an example of what they could build without Planning Commission approval after applying for a building permit. This sign (Sign B) would have a larger overall sign face of 50 square feet in order to utilize the same sized electronic message panel of 24.74 square feet. Sign A basically removes the

sign face edges of Sign B and replaces them with columns and caps, which adds decorative elements to the sign.

Title 11 requires that the sign be incorporated in a landscaped area that is at least equal to twice the area of the sign. The applicant is proposing to remove some of the lawn around the sign and add a landscaped area consisting of two groundcover varieties. Title 11 also regulates the type of animation that can be on the electronic portion of the sign as well as lumination levels. The sign will need to meet all of these requirements.

Staff Alternatives:

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

1. The sign shall be constructed per the approved plans.
2. All requirements set forth in Title 11 of the West Valley City Municipal Code shall be met.
3. A building permit must be issued for the sign.

Continuance, for reasons determined at the hearing.

Applicant:

William Leavitt, IG Signs
880 North 100 East
Lehi, Utah 84043

Discussion: Commissioner Lovato asked why there is a 50% requirement for the electronic sign. Commissioner Fuller said the issue is the safety of drivers passing by. Changes on the electronic sign could be a distraction. Brock Anderson said no video animation will be allowed on the sign. Static animation is allowed, which is text or images with no motion at all. Animated animation is also allowed, which is a message that is displayed for a minimum six seconds, fading for a duration of at least three seconds to the subsequent message. There can be no scrolling text or images.

William Leavitt, Salesman and Structural Engineer for IG Signs, said he added some structural elements to the sign, trying to match the architecture and colors of the building.

Motion: Commissioner Lovato moved to approve C-6-2017 subject to the three conditions listed in the staff report.

Commissioner Fuller seconded the motion.

Vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Chair Meaders	Yes
Commissioner Winters	Yes
Commissioner Wood	Yes

Unanimous – C-6-2017 - Approved

C-7-2017

Maverik

2175 S Redwood Road

C-2 Zone (1.31 Acres)

The applicant, Maverik, Inc., is requesting a conditional use for a convenience store with fuel sales for property located at 2175 South Redwood Road. This property is zoned C-2, General Commercial and the West Valley City General Plan designates this area as General Commercial. The surrounding zone to the east and south is C-2, general commercial. The surrounding uses include the SR-201 to the north and west and office uses to the south and east.

There is currently an office building located on the property. This building will be demolished and the entire site will be redeveloped for the Maverik location.

The facility has frontage along Redwood Road and SR-201, which are both listed as a High Image Arterial Streets and are subject to the requirements set forth in chapter 7-10 of the WVC Municipal Code. This property is also located along 2200 West, which is the entrance to the Metro Business Park, and was originally a private street. West Valley City has taken ownership of this street and is requiring an additional 10-feet of right-of-way for installation of a parkstrip and sidewalk. The Code allows for a setback reduction adjacent to non-high image arterial street so the site has been designed to take advantage of that provision along the south side. However, due to the narrow lot design, the location of the fuel tanks and gas canopy, and the necessary maneuvering areas, Maverik is requesting to reduce the setback along SR-201 to 15' instead of the required 20'.

The ordinance states that an exception can be made to these requirements if “full compliance is not possible due to location of existing buildings or because compliance would necessitate elimination of improvements required by other ordinances which could not be relocated elsewhere on the site.” (§7-10-104(1)b.)

There is additional open space between this property and the SR-201 on-ramp. Also a minimum of 15% of landscaping is required for this site and 19% is proposed even after the requested reduction. Therefore, staff is supportive of the request and feel like a reduction would be appropriate at this location.

The building will be designed in accordance with the Commercial Design Standards. This includes the gas canopy design as well which will include a rock wainscot on the canopy posts so it is consistent with the main building design.

There is an existing pole sign on site. Face changes are permitted in freeway oriented signs so the sign cabinet may be re-faced. Wall signs will also be used and a monument sign is proposed along the south side of the site.

Staff Alternatives:

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

1. The landscaping must be installed per the approved plan and in accordance with the Standards for Landscaping Along High Image Arterials except as outlined in condition 2 below.
2. The landscaping setback along SR-201 may be reduced to 15’.
3. The building and gas canopy must be completed per the approved plans and shall be designed in accordance with the Commercial Design Standards.
4. Signage must comply with the West Valley City Code, including any face changes in the existing freeway-oriented pole sign.
5. Must meet the requirements of all affected departments and agencies.
6. Subject to review upon valid complaint.

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

Applicant:

Elizabeth Hunt
185 South State Street, Suite 800
Salt Lake City, UT 84111

Discussion: Commissioner McEwen asked about access to the site. Jody Knapp noted that the existing access is close to the intersection, but City Engineering reviewed and approved it. Two access points are needed in order for trucks to maneuver through the property.

Elizabeth Hunt said a 20’ setback along Hwy 201 would make it difficult for fuel trucks to maneuver through the property. She is asking for an exception to the landscaping requirements to increase the distance needed within the site.

Motion: Commissioner Lovato moved to approve C-7-2017 subject to the six items listed in the staff report.

Commissioner McEwen seconded the motion.

Vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Chair Meaders	Yes
Commissioner Winters	Yes
Commissioner Wood	Yes

Unanimous – C-7-2017 – Approved

Approval of Minutes from February 8, 2017 (Regular Meeting) **Approved**

Approval of Minutes from March 8, 2017 (Regular Meeting) **Approved**

Approval of Minutes from March 15, 2017 (Study Session) **Continued**

Approval of Minutes from March 22, 2017 (Regular Meeting) **Continued**

Approval of Minutes from April 4, 2017 (Study Session) **Approved**

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

Respectfully submitted,

Brenda Turnblom, Administrative Assistant