

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

June 9, 2010

The meeting was called to order at 4:03 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Jack Matheson, Terri Mills, Phil Conder, Joe Garcia, Barbara Thomas, and Imaan Bilic

ABSENT:

Brent Fuller

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Hannah Thiel, Steve Pastorik, Jody Knapp, and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

Claire Gillmor, Assistant City Attorney

AUDIENCE

Approximately four (4) people were in the audience

ZONE TEXT CHANGE APPLICATION

ZT-7-2010

Sections 7-2 Fence/Hedge Text Amendment Staff Presentation by Hannah Thiel, Planner II

Background

This ordinance text change addresses City minimum solid fence standards in the front yard as well as fence/hedge standards along arterial streets.

The ordinance proposal allows the minimum solid fence to be 3' tall rather than the existing 2' tall maximum. The 3 foot height is an industry standard and is not a concern from the UDOT perspective for clear view standards.

The proposal also allows homes on arterial streets that are at least 80' wide to erect a hedge up to the property line or to erect a six foot fence with a ten foot setback. This would allow homes on arterial streets more privacy. The Police Department would recommend keeping the front yard clear or using a fence that could be seen through for security reasons. This is a valid recommendation but consideration should also be given to the homeowners wishing for more privacy along busy streets.

In the Study Session held on May 19, 2010, a Commissioner recommended that an additional amendment should be added to the zone text change that would require a 6" curb where residents used a chain link fence material. This curb would mitigate the growth of weeds throughout the chain link. Staff does not have any concerns with this proposal.

This application was continued from the Planning Commission Public Hearing on May 26, 2010 to allow staff the opportunity to speak with code enforcement regarding the enforceability of the curb/mow strip requirement and to allow staff the opportunity to propose specific language regarding the curb/mow strip requirement. At the Planning Commission Study Session, the Planning Commissioners were undecided regarding the requirement for the curb/mow strip. This addition remains in the proposed ordinance under 7-2-118(2). To remove this requirement, it should be mentioned/requested in the motion of approval of this text change amendment.

Recommendations/ Staff Alternatives

- Approval of the Fence Ordinance Text Change, subject to any issues raised at the public hearing
- Continuance, for resolution of any issues that may arise at the public hearing.
- Denial of Fence Ordinance Text Change

Applicant:

West Valley City

Discussion: Barbara Thomas asked what type of growth material constitutes a hedge. Hannah indicated where this could be found in the ordinance. Jack Matheson stated that the mow strip under a chain link fence should be encouraged and included in West Valley's standards for people to view when they inquire about fencing. He added that he does see how it would be very difficult to enforce. Barbara Thomas stated that she doesn't believe this requirement belongs in the ordinance. She stated that people could be forced to comply with this rule which would be unfair in many cases. Phil Conder stated

that he believes this should be supplied in an informational packet for residents but not required in the actual ordinance. Terri Mills stated that vinyl fences also have weed problems and she believes the way to resolve this is enforcement of weeds rather than requiring a mow strip or curb.

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

Motion: Commissioner Conder moved for approval subject to removing the concrete mow strip or curb requirement for chain link fences.

Commissioner Bilic seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Conder	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Woodruff	Yes

Unanimous – ZT-7-2010 – Approved

ZT-8-2010

West Valley City

Amending Section 7-6-1605 of the City Center Zone

City staff has initiated an application to amend to Section 7-6-1605, which addresses standards for all properties within the City Center Zone. Specifically, staff is proposing an amendment to the use limitations listed in the City Center Zone to address a change made to State Code relating to pawn shops (Title 13 Chapter 32a). After reviewing this application with the Legal Department, staff is requesting that this application be continued.

Applicant:

West Valley City

Discussion: Harold Woodruff indicated that staff requested that this application be continued until more information can be determined. The Planning Commission had no further comments or concerns.

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

Motion: Commissioner Thomas moved for continuance

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Conder	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Woodruff	Yes

Unanimous – ZT-8-2010 – Approved

CONDITIONAL USE APPLICATION

C-13-2010

Bailout Tow and Transportation Inc.

6580 W. 2100 S.

M Zone (1 Acre of a 14.52 Acre site)

The applicant, Jason Lavato, is requesting a conditional use amendment for a towing and impound yard in an existing salvage yard, Sandy Metal Works, at 6580 West 2100 South. The zoning for this area is M, Manufacturing. The West Valley City General Plan anticipates Heavy Manufacturing uses for this area. The surrounding zones are M. The surrounding uses are Bland Recycling to the east and vacant land to the north and west. Rocky Mountain Raceway is located to the south of this site across UT Hwy-201.

Mr. Lavato is proposing to utilize 1-acre of the 14-acre site for his impound yard. The area has been paved in the past, however, the condition of this surfacing has deteriorated. Public Works has requested that the area to be utilized by Mr. Lavato be resurfaced. This would include areas used for vehicle storage, parking, access drives to both entrances to the yard and all maneuvering areas. A grading and drainage plan will also need to be reviewed for the surfaced areas. The applicant is also proposing to add lighting to this area so a lighting plan will also need to be submitted.

There is an existing metal building on site that is approximately 6000 square feet. Mr. Lavato will use about 50 square-feet of this building to complete paperwork to release vehicles from the impound yard. There is existing parking adjacent to this facility that will accommodate the required parking for this use. Loading and unloading is not permitted in the customer parking area or public right-of-way.

The interior portions of the site will be contained with a new 6' tall chain link fence with 3 strand barbed wire. There is an existing fence along the entire frontage on UT Hwy-201 along the edge of the right-of-way. The fencing is constructed of solid metal panels that are approximately 8-feet tall. Fencing is required to be set back 20' from the front property line. Staff recommends that the fencing along the east side of the entrance be relocated to comply with the Ordinance.

Manufacturing areas require that 5% of the site be landscaped. Currently the site does not have landscaping. This site is also located along a High Image Arterial which requires that the front

setback of 20' be landscaped. Staff recommends that the required landscaping be installed in the front setback area east of the entrance to comply with 7-13 Standards for Landscaping along High Image Arterials.

The access for this site is directly off UT Hwy-201. UDOT is reviewing this application and may require that the Frontage Road to the west be extended to this property and that the access on UT Hwy 201 be closed. A meeting has been scheduled for them to review this issue and compliance with the UDOT requirements shall be necessary.

The applicant has not proposed any additional signage for this business at this time. If signage is added at a later date a building permit must be obtained and all signage would be required to meet the West Valley City Sign Ordinance. Signage shall not be permitted on any exterior fences.

Staff Alternatives:

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

1. All parking, storage, access drives and maneuvering areas must be hardsurfaced.
2. All requirements of West Valley City Public Works must be adhered too including submittal of a grading and drainage plan for the new hardsurfaced areas.
3. A lighting plan is required for all new lighting installed on site.
4. Loading and unloading is not permitted in the customer parking area or public right-of-way.
5. All fencing shall meet the requirements set forth in the West Valley Code, including relocation of the fencing on the east side of the entrance along the frontage of UT Hwy 201.
6. The 20' setback area along the east side of the entrance shall be landscaped according to the standards set forth in Chapter 7-13 Standards for Landscaping along High Image Arterials.
7. All signage shall comply with the West Valley City Sign Ordinance. Signage shall not be permitted on any exterior fences.
8. All requirements of affected departments and agencies must be met including 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:

Jason Lovato
1032 E 1700 S
Salt Lake City, UT 84105

Favored:

David Jones
3069 Bedford Rd
WVC, UT 84119

Discussion: Jody Knapp presented the application. Jack Matheson asked if a landscaping plan will be submitted. Jody replied that the applicant will submit a plan that must meet the ordinance and staff will review. Jack Matheson asked if the Fire Department has any requirements for this application. Jody replied that their biggest concern is appropriate access and hard surfacing on the site.

The applicant, Jason Lovato, stated that his goal is to get a business license so that he can increase his income by an estimated \$5,000 a month. He stated that he feels the staff alternatives listed in the staff report are not reasonable conditions for the type of business he will be doing. He stated that the use will be much simpler and less hard on the land than a salvage yard. He stated that the cost the City is requesting him to put into the property is completely unreasonable. Mr. Lovato indicated that he has proposed a plan for fences and temporary solar lighting on site. He explained that the surfacing on the property is not deteriorated and is concreted but he is not sure if it's graded or drained. Mr. Lovato stated that he will likely only utilize one access point.

Terri Mills stated that if the applicant is willing to remove one access point this will significantly reduce the amount of required paving. Jack Matheson stated that the City has worked with Mr. Lovato on all things that they are able but the greatest cost for the project will come from potential UDOT requirements like the frontage road, deceleration or acceleration lanes, etc. Commissioner Matheson stated the City must adhere to whatever UDOT recommends. Mr. Lovato indicated that he spoke with someone at UDOT who wasn't sure why the City was requiring this process. Commissioner Matheson stated that UDOT may provide some concessions but it will have to be worked out with them.

Mr. Lovato asked who proposes the staff conditions and questioned why he must follow these specific requirements. Claire Gillmor described the conditional use process and stated that this is a change of use to the property which is why it has to go through the Planning Commission. Mr. Lovato asked what land use problems are being addressed. Claire replied that the staff alternatives are all things that mitigate land use problems as determined by West Valley City's trained planners and herself as the land use legal representative.

Harold Woodruff stated that these requirements have been applied to new businesses up and down the street. He stated that the alternatives provided by staff are requirements taken from the ordinances that are required to be met. Mr. Lovato asked what the difference between an impound yard and a salvage yard is. Barbara Thomas replied that impound yards have vehicles being moved on and off the site while salvage yards have vehicles that remain. Phil Conder asked if the applicant would still need to go through this process if he submitted the application as a salvage yard. Claire stated that the City's ordinance separates the two items by definition. She read each definition from the ordinance that described the different uses in detail. Commissioner Conder asked if the property owner will have to abide by these new requirements if the applicant leaves the property at some point in the future. Claire replied that conditional uses run with the land. Commissioner Conder asked if the owner of the property has to comply. Claire replied yes.

Joe Garcia stated that he can identify with the applicants concerns. He stated that the

reason staff requires the property to be paved is for ambulance and fire rescue access. He asked Jody whether there was any latitude on how much of the property had to be paved. Jody replied that this requirement came from Public Works and Mr. Lovato could speak with them to see if he could possibly just do the main driving aisles. She added that Public Works is concerned that grease and oil go to the right place. Imaan Bilic asked if the applicant has spoken with the property owner and asked if he is willing to share the cost of the potential requirements. Mr. Lovato stated that the owner has told him that this is simply the cost of doing business and will not help him. David Jones asked what the applicant must request of UDOT. Jack Matheson replied an encroachment agreement. Barbara Thomas stated that these ordinances are in existence and there are reasons for them. She added that the Planning Commission doesn't have the power to ignore them. Harold Woodruff agreed and added that the applicant will have to work out problems with the affected parties.

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

Motion: Commissioner Thomas moved for approval subject to the nine staff conditions.

Commissioner Garcia seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Conder	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Woodruff	Yes

Unanimous – C-13-2010 – Approved

PLANNING COMMISSION BUSINESS

Approval of minutes from May 26, 2010 (Regular Meeting) **Approved**

Approval of minutes from June 2, 2010 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:47 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant