

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

September 22, 2010

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

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

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

ABSENT:

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Steve Lehman, Jody Knapp, Hannah Thiel, and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

Claire Gillmor, Assistant City Attorney
Nicole Cottle, CED Director

AUDIENCE

Approximately eight (8) people were in the audience

ZONE TEXT CHANGE APPLICATIONS

ZT-14-2010

West Valley City Subdivision Ordinance Section 7-19

West Valley City Community Development Department

PURPOSE

This Zone Text Change is being proposed to clean up outdated language found in the Subdivision ordinance and to add language that reflects recent changes in State Law governing the division of property. The proposed changes will more clearly define the responsibilities of those wanting to subdivide commercial and residential property.

BACKGROUND

The Subdivision ordinance is an important document for those wanting to subdivide property in West Valley City. This particular ordinance has been a stellar document central to the development of hundreds of subdivisions throughout the City. Although subtle changes have been made to this ordinance over the years, staff believes that it is time for an overall update.

The proposed changes have been reviewed by various City Departments that have an active role in subdivision development. In addition, this proposed ordinance has been reviewed by the Planning Commission in multiple study sessions. Staff appreciates the input and recommendations from the Planning Commission. Recommendations from the Planning Commission and other City Departments have been added to the document where appropriate, thus providing enhanced clarity and simplification to the ordinance.

A copy of the proposed ordinance will be provided as part of the analysis.

STAFF ALTERNATIVES:

1. Approve the amendments to the Subdivision Ordinance.
2. Continue the application for reasons determined during the Planning Commission hearing

Applicant:

West Valley City

Discussion: Steve Lehman presented the application. Terri Mills asked Barbara Thomas to further elaborate on her concerns regarding maintenance of a wall. Commissioner Thomas replied that often people will only take care of their side of a wall and allow the other side to become overgrown or damaged. She added that it's important for property owners to know that both sides of the wall are their responsibility. Harold Woodruff asked how this would apply to property owners that have walls on Bangerter Highway. Steve replied that UDOT would manage the maintenance since this is a large State road. He added that he will further discuss this issue with Legal and clarify it prior to this application going to City Council. Jack Matheson asked if there are any liabilities in doing a metes and bounds subdivision. Steve replied no because there is no dedication of public streets.

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

Motion: Commissioner Woodruff moved for approval subject to the resolution of Planning Commission concerns discussed during the public hearing.

Commissioner Thomas seconded the motion.

Roll call vote:

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

Unanimous – ZT-14-2010 – Approved

SUBDIVISION APPLICATION

PUD-1-2010

MWP Plaza Condominiums

3465 South Pioneer Parkway

C-2 Zone

1.05 Acres

BACKGROUND

Mr. Steven Nelson, representing the owners of the Mountain West Physicians Plaza, is requesting preliminary and final approval for the MWP Plaza Condominiums. The subject property is located across the street from the Pioneer Valley Hospital. The property is presently used for medical offices and is zoned C-2.

ISSUES:

The applicant is proposing to convert the existing medical office building into 5 individual condominium units. 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 purpose for the condominium plat is to allow the applicant an opportunity to divide the building into 5 units for sale. According to a letter from Mr. Nelson, the original partners that built the Mountain West Physicians Plaza in 1980 are retiring. They are finding it difficult to market the building as a business partnership. The applicant sites three reasons for this:

1. Financing is not available. Lenders will not loan on the purchase of an individual suite because the buyer would be purchasing a share in a business partnership, rather than the suite itself.
2. Prospective buyers are reluctant to enter into a business partnership with others they do not know and with whom they have no previous relationship or experience.

3. Shared expenses such as landscape maintenance are not handled in a market-standard way with CCR's. This is confusing to prospective buyers.

The condominium application would allow each unit to be sold separately. All exterior parking spaces, landscaping and common areas would be held in common ownership. The applicant would be required to submit a declaration and CCR's which would address the aforementioned items.

The existing site received conditional use approval from Salt Lake County in December 1979. The site plan approved for this property has not changed from its original approval under County jurisdiction. Parking, landscaping and building improvements are in good condition.

The City Building Official had questioned whether the building would be divided with property lines. If that was the intent of the applicant, substantial improvements would need to be made to meet fire codes. After discussing the matter with the owner, the proposed condominium will simply be a division of the building into individual units without property lines.

Title 9 of the West Valley City Code provides for condominium conversions. Although somewhat different than a residential application, many of the same requirements will apply here such as coordination with GHID and other agencies regarding utility regulation. The applicant will also be required to submit a Declaration of Condominium as well as Conditions Covenants and Restrictions.

STAFF ALTERNATIVES:

1. Approve the Mountain West Physicians Plaza Condominium Subdivision subject to a resolution of staff and agency comments.
2. Continue the application to address concerns raised during the Planning Commission hearing.

Applicant:

Steven Nelson
1775 E 4500 S
Holladay, UT 84117

Discussion: Steve Lehman presented the application. Brent Fuller asked if this change will affect any fire codes. Steve replied that since this is just separating air space, no new fire requirements will need to be added. Terri Mills asked if any problems can be foreseen with a condominium building in the future. Steven Nelson, the applicant, stated that this is the only way to gain financing in today's economy for this type of business. He stated that he can't foresee any future implications by changing this to a condominium complex. Brent Fuller asked how the property is maintained. Mr. Nelson replied that currently each business pays a 'camp' fee every month that is used toward maintenance of common areas. He added that once the building becomes a condominium, everything will be taken care of through a CC&R. Steve Lehman added that the county will not record the plat until there is a

declaration of a condominium and CCR's.

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

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

Commissioner Mills seconded the motion.

Roll call vote:

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

Unanimous – PUD-1-2010 – Approved

CONDITIONAL USE APPLICATIONS

C-22-2010

Meadowbrook Mobile Home Park Flags

1240 Hummingbird Street

Residential Mobile Home Zone, 40.45 Acres

Staff Presentation by Hannah Thiel, Planner II

Background

Scott Johnson with ISignCo is requesting a conditional use amendment for permanent flags for the Meadowbrook Mobile Home Park at 1240 Hummingbird Street. This mobile home park was initially approved under Salt Lake County's jurisdiction and then recognized as an approved mobile home park by the City in 1986 via a conditional use process. Flags are allowed in the City with a conditional use approval and shall generally maintain a setback of 20'.

The applicant is requesting a total of eighteen 19' tall flag poles. Twelve of the flag poles are proposed along the south side of the property with a proposed 15' setback, and six of the flag poles are proposed at the entrance of the mobile home park on 1300 West with a 2' setback. The poles are approximately 3" in diameter and would hold a flag that measures 2' x 6' for a total of 12 square feet for each flag. The closest flag pole on the south side of the intersection of 1300 West is proposed at approximately 75'. The applicant is interested in installing spotlights for the flags in the future but not at this time. There is approximately 1700 feet of linear frontage on both the south and west sides of the subject property.

The City's Major Street Plan proposes a 106' right of way width for 4100-3900 South. The road is currently built to that width, however sidewalks have not been installed very far east of 1300 West. Pole and monument signs have additional ordinance requirements in terms of landscaping requirements, height, area, and materials used. The Permanent Flag ordinance

does not have those regulations but may be implemented through the conditions of approval. The proposed flags on the south side of the property would be located in a turf-landscaped area. The applicant has indicated that a hedge is also proposed adjacent to the existing slatted chain link fence. Although most of the area does have turf, the area on the corner of 1300 West and 4100-3900 South is comprised of dirt and weeds. There are also a number of dead areas in the grass, potentially from previous trees. The original mobile home park file for this site does not include any landscape plans or standards.

Staff does not have serious concerns with the flag pole proposal as this request is compatible with City Ordinances. As the applicant is proposing shorter setbacks than the general 20' setback, the Planning Commission should consider the impact that these flags will have on the street and neighboring properties. As the frontage of the property is large, the number of flag poles may fit within the scheme of the surroundings, but as the mobile homes are generally not very tall, the number of flags may also seem slightly excessive.

Recommendations/ Staff Alternatives

- Approval # 1 subject to any issues raised at the public hearing as well as the following conditions:
 - That the applicant shall fulfill all necessary requirements for Building Inspections and if necessary obtain a building permit for the installation of the flag poles.
 - That a landscaped (mixture of shrubs, grasses, annuals and min 50% live plant material) area twice the flag area be installed and maintained around the base of flag poles by May 15, 2011.
 - That the weeds in the park strip and on the corner of 1300 West and 4100 - 3900 South shall be removed and landscaping shall be maintained and when necessary planted along both 1300 West and 4100-3900 South by May 15, 2011. This is also required by current City Ordinances.
 - That a landscape plan shall be submitted and approved by City Staff that shows all noted landscaping.
 - That the applicant shall return to the Planning Commission for a conditional use amendment at the time that lights are considered for the flag poles.
 - That the hedge that is proposed by the applicant shall be planted to screen the slatted chain link fence along the full length of the fence by May 15, 2011.
 - That all landscaping required shall be fully irrigated according to the standards in the West Valley City Ordinance.

- Approval # 2 subject to any issues raised at the public hearing as well as the following conditions:
 - That the applicant shall fulfill all necessary requirements for Building Inspections and if necessary obtain a building permit for the installation of the flag poles.
 - That a maximum of 12 flag poles shall be approved where 6 are approved at the entrance of the mobile home park and 6 are approved along 4100 – 3900 South with 40' of separation.
 - That the weeds in the park strip and on the corner of 1300 West and 4100 - 3900 South shall be removed and landscaping shall be maintained and when necessary planted along both 1300 West and 4100-3900 South by May 15, 2011. This is also required by current City Ordinances.

- That the applicant shall return to the Planning Commission for a conditional use amendment at the time that lights are considered for the flag poles.
 - That the hedge that is proposed by the applicant shall be planted to screen the slatted chain link fence along the full length of the fence by May 15, 2011.
 - That all landscaping required shall be fully irrigated according to the standards in the West Valley City Ordinance.
- Approval # 3 subject to any issues raised at the public hearing as well as the following conditions:
 - That the applicant shall fulfill all necessary requirements for Building Inspections and if necessary obtain a building permit for the installation of the flag poles.
 - That a maximum of 12 flag poles shall be approved where 6 are approved at the entrance of the mobile home park and 6 are approved along 4100 – 3900 South with 40’ of separation.
 - That a landscaped (mixture of shrubs, grasses, annuals and min 50% live plant material) area twice the flag area be installed and maintained around the base of flag poles by May 15, 2011.
 - That the weeds in the park strip and on the corner of 1300 West and 4100 - 3900 South shall be removed and landscaping shall be maintained and when necessary planted along both 1300 West and 4100-3900 South by May 15, 2011. This is also required by current City Ordinances.
 - That a landscape plan shall be submitted and approved by City Staff that shows all noted landscaping.
 - That the applicant shall return to the Planning Commission for a conditional use amendment at the time lights are considered for the flag poles.
 - That the hedge that is proposed by the applicant shall be planted to screen the slatted chain link fence along the full length of the fence by May 15, 2011.
 - That all landscaping required shall be fully irrigated according to the standards in the West Valley City Ordinance.
- Continuance, for resolution of any issues that may arise at the public hearing.

Applicant:

Scott Johnson
242 Skipper Lane
Saratoga Springs, UT

Discussion: Hannah Thiel presented the application. Jack Matheson asked where the property line is. Hannah replied that the property line is approximately at back of sidewalk. Commissioner Matheson asked if there is any history on why the sidewalk was never continued. Hannah replied that this property is located at the edge of the City and she would assume that the City never continued the sidewalk because there is nothing to connect it to on the County side. Barbara Thomas asked if there is any provision to ensure the size of the flag is kept the same. She added that if the size of the flag increased, the size of the landscaping would need to increase as well. Hannah replied that this is an appropriate condition the Planning Commission can request subject to approval. Commissioner Thomas asked how the weeds on the corner of the parkstrip are connected to this project. Hannah replied that park strips are part of the

right of way but the property owner is still responsible to care of it.

Scott Johnson stated that graffiti has been bad in this area so he hopes to plant a hedge along the fence to help prevent this. He stated that it's important for the Meadowbrook Mobile Home Park to advertise and they want to do so in a way that is aesthetically pleasing. He indicated that flags are a lot nicer than banners or A-frames which are ways mobile home parks often advertise. Mr. Johnson indicated that the flags will have horizontal poles inside of them to help prevent flapping and deterioration in the wind. Commissioner Matheson asked if the flags can withstand a 80 to 100 mph wind load. Mr. Johnson replied yes. Joe Garcia asked if the flags will be kept annually? Mr. Johnson replied yes.

Jack Matheson stated that the fence is well maintained and he doesn't have a problem with the flags. Terri Mills stated that she likes the idea of having flags at the entrance but is concerned with the number of flags on 4100 South, especially if lights are ever incorporated. She added that she likes the idea of the hedge along the fence. Joe Garcia expressed concern that the flag poles create another canvas for pedestrians and graffiti.

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

Motion: Commissioner Matheson moved for approval of staff alternative number 1.

Commissioner Woodruff seconded the motion.

Roll call vote:

Commissioner Conder	No
Commissioner Garcia	No
Commissioner Matheson	Yes
Commissioner Mills	No
Commissioner Thomas	No
Commissioner Woodruff	Yes
Chairman Fuller	Yes

Majority – C-22-2010 – Fails

Discussion: The Planning Commission discussed landscaping around the flags. Terri Mills stated that she feels pockets of landscaping around each flag may look odd. Barbara Thomas disagreed. Mr. Johnson stated that his ultimate goal is to give the area a "rolling hills" appearance to match the property on the opposite side of the road.

Chairman Fuller called for a second motion.

Motion: Commissioner Thomas moved for approval of staff alternative number 1.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	No
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Fuller	Yes

Majority – C-22-2010 – Approved

C-23-2010

Simply Flowers (Erin Veenendaal)

3604 Kingdom Court

R-1-6 Zone (.14 Acres)

The applicant, Erin Veenendaal, is requesting a major home occupation for a floral design business. The zoning for this area is R-1-6, single family residential. The West Valley City General Plan anticipates Low Density Residential uses for this area. The surrounding zone is R-1-6 on all sides and the use is single family residential.

The applicant would like to use a portion of the garage at the residence for storage of a cooler, measuring 78”w x 29”d x 79”h, for her floral design business. The garage space may be considered for storage as a major home occupation as long as two (2) parking spaces are still available and the garage still functions for parking. The applicant has demonstrated in the attached photos that 2 vehicles can be parked entirely within the 19’ x 22’ garage with the cooler located inside of the garage.

The floral arrangements that are made as part of this business are special orders for wedding and other special events. There will not be any walk-in or retail sales of flowers from this location. All of the design work shall be conducted within the home and the garage shall be used for storage only. Consultations with clients will be conducted out of the home and are limited to no more than 2 customers per hour.

Staff Alternatives:

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

1. A portion of the garage may be used for storage for the home occupation as long as two parking spaces for residential use are provided, and the garage still functions for parking.
2. All design work for the business shall be conducted within the home and the garage shall be used for storage only.
3. All requirements in Chapter 7-8, Home Occupations, must be followed. (i.e., no employees, number of customers per hour, hours of operation, etc.)

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

Applicant:

Erin Veenendaal
3604 Kingdom Court
WVC, UT 84119

Discussion: Jody Knapp presented the application. Erin Veenendaal, the applicant, stated that she specializes in weddings and corporate events. She indicated that flowers won't be at the house for long since she will make the arrangements and deliver them. Ms. Veenendaal stated that there will not be a lot of traffic to the house except for an occasional bride or wedding planner that may want to view the bouquets. She added that she is frustrated that she has to go through this process since she can't see how this is any different from having a refrigerator in her garage.

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

Motion: Commissioner Mills moved for approval subject to the three staff conditions.

Commissioner Thomas seconded the motion.

Roll call vote:

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

Unanimous – C-23-2010 – Approved

PLANNING COMISSION BUSINESS

Approval of minutes from September 8, 2010 (Regular Meeting) **Approved**

Approval of minutes from September 15, 2010 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:52 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant