

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

October 13, 2010

The meeting was called to order at 4:05 p.m. by Vice-Chairman Phil Conder at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

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

ABSENT:

Brent Fuller and Terri Mills

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Jody Knapp, and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

AUDIENCE

Approximately eleven (11) people were in the audience

ZONE CHANGE APPLICATIONS

Z-2-2010

Van Nguyen

2351 and 2363 South Redwood Rd.

A to C-2

1.8 acres

Van Nguyen is requesting a zone change for two parcels at 2351 and 2363 South Redwood Road totaling 1.8 acres from A (agriculture) to C-2 (general commercial). Surrounding zones include RM (residential, multi-family) to the east and south, A to the north, and M (manufacturing) to the west. Surrounding land uses include townhomes to the east and south, single family homes to the north, and commercial to the west. Between Hwy 201 and Warnock Ave (2525 South) the zoning along both sides of Redwood Road is predominantly C-2 or M. The subject property is designated as mixed use in the General Plan. The subject parcel on the south includes a single family home built in 1949 and the subject parcel on the north includes a single family home built in 1953.

If this rezone is approved, the applicant intends to develop the property as a shopping center with a market as the anchor. The Hong Phat Market that is currently at 3086 South Redwood is looking to expand and is the proposed market for this shopping center. A conceptual plan of the proposed shopping center is attached as well as a conceptual front elevation of the building.

If this rezone is approved, the shopping center would be reviewed as a conditional use and would need to comply with the City's commercial design standards as well as the Redwood Road streetscape ordinance. There are at least two items to consider for the conditional use if the rezone is approved. First, the Planning Commission will need to determine whether or not to grant a waiver of the masonry wall requirement along the north side of the property. The zoning ordinance states: "When future commercial use of neighboring properties is recommended in the General Plan...a waiver or substitute for the wall requirement may be approved." Second, since 2004 there have been three code enforcement cases on the property where the Hong Phat Market is currently located. These violations dealt with weeds, lack of landscaping maintenance, junk and garbage scattered throughout the site and overflowing dumpsters.

During the study session the question was asked as to whether or not the applicant has approached the landowners to the north about selling to include more property in the commercial development. Mr. Nguyen has talked with the owners of the two parcels to the north about selling. While they aren't ready to sell at this point, Mr. Nguyen believes that he will eventually be able to acquire these properties. For this reason, he has designed his concept plan to allow for possible future expansion to the north.

Staff Alternatives:

- Approval of the zone change.
- Continuance to address issues raised during the public hearing.

Applicant:

Van Nguyen
6280 S Faber Lane
SLC, UT

Discussion: Steve Pastorik presented the application. Van Nguyen explained that he has been coordinating with neighboring properties for over three years in hopes to acquire more land for a larger commercial site. He has been unable to come to an agreement with neighbors to the north but still hopes to keep this option open for the future. He explained that it would be more logical to construct the building in an 'L' shape on the north of the property but because of potential expansion to the north in the future, Mr. Nguyen has placed the building on the south side of the property. Barbara Thomas explained that she feels it makes sense to change the zoning to commercial since it is not being used as agricultural property. Jack Matheson agreed and added that it appears to be a nice building.

There being no further discussion regarding this application, Vice-Chairman Conder called for a motion.

Motion: Commissioner Thomas moved for approval.

Commissioner Garcia seconded the motion.

Roll call vote:

Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Vice-Chairman Conder	Yes

Unanimous – Z-2-2010 – Approved

CONDITIONAL USE APPLICATIONS

C-25-2010

Country Square (Mai Nguyen)

1980 West 3500 South

C-2 Zone (1.9 Acres)

The applicant, Mai Nguyen, is requesting a conditional use amendment for a renovation project located at 1980 West 3500 South. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates General Commercial uses for this area. The surrounding zones include C-2 to the south, east and west and R-1-6 to the north. The surrounding uses include a restaurant to the west, a convenience store, auto repair and residential to the east, and residential to the north.

Country Square is an existing development that has included many different tenants over the years. The applicant, Ms. Nguyen, would like to take advantage of the RDA incentives for this area and renovate the site. The proposal is to reface the buildings, enhance the

landscaping and repair the parking lot and fencing. Due to lack of financing for this project, Ms. Nguyen has proposed to complete the improvements in the following phases:

Summer 2010 – Re-facing the building on the west side of the site

Summer 2011 – Re-facing the Reception Center and improvements on the front restaurant building.

Summer 2012 – Complete the landscaping, block wall and parking lot.

Staff has reviewed the time-line and support the dates set forth for the façade remodel. However, several of the adjacent residential neighbors have called to express concerns over the condition of the existing fencing. Therefore, staff suggests that the existing fence be repaired and maintained so it is completely erect and free of any gaps, and that the new masonry wall be constructed by June 1st, 2011. Space is limited in this portion of the site so landscaping will not be included along the entire wall. Therefore, Staff recommends that measures be taken to reduce opportunities for graffiti along the wall (i.e., using different graffiti resistant materials or something can be easily painted.)

The landscaping on site will be improved including the frontage along 3500 South. Since this is an existing site the space available was not adequate enough for the full improvements required in the 3500 South Streetscape Ordinance so the applicant has proposed to construct landscaping with a 9’ wide bermed area, and an 8’ sidewalk and then the remaining landscaping would vary but would not be less than 6’ wide. This is consistent with what was done on a redevelopment project just west of this site so Staff felt the intent of the ordinance was met. However, trees shall also be included within the 9’ bermed area per the list provided in the WVC Municipal Code.

Parking for this site has been an issue. There are 109 parking spaces, however the current and past tenant mix calls for a greater number. The businesses at this location are all licensed and the tenant mix has been similar to this over the history of this site. Therefore, Staff has suggested to take a snapshot of the uses as they currently exist today and not allow the uses to intensify but allow them to continue to operate as they do currently. The list of current tenants is as follows:

Use	Business	Size
Office	Insurance Company	800
Office	Insurance Claims Company	400
Reception/ Club	Victors Reception	4500
Reception/ Club	El Palenque (Sats only)	9600
Retail	Hair Salon	500
Restaurant	Pho Green Papaya	2800
Restaurant	Bucket O' Crawfish	3000
Totals		21600

The applicant is also requesting a Restaurant Liquor license for the existing Pho Green Papaya Restaurant on site. This would allow her to serve heavy beer, wine, Sake, or other

liquor on the premises. The State would review this as a Dining Club license and would require that at least 50% of the gross sales from the restaurant be from food.

There is a dumpster proposed on the south side of the site. A 6-foot masonry enclosure must be constructed around the dumpster. If any additional dumpsters are to be located on site they shall also be screened by a masonry enclosure and conform to the required setbacks.

The lighting for the site will include the 3500 South Streetscape lighting and the existing lighting throughout the parking area. If additional light poles are installed the site must meet the lighting standards set forth in the Parking chapter of the West Valley Municipal Code and shall not negatively impact adjacent residential uses.

Ms. Nguyen is also proposing to re-locate the sign along 3500 South. The sign would remain the same height and size (8' wide x 24' tall) but be improved so the appearance is similar to the new building facades. Specific sign details have not been submitted at this time and a separate building permit will be required for all signage.

Staff Alternatives:

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

1. The building and site shall be constructed per the approved plans, including trees to be planted in the 9' bermed area along 3500 South from the list provided in the Streetscape for Major Arterials section of the Code.
2. A 6' tall masonry wall shall be constructed adjacent to surrounding residential uses by June 1st, 2011. The existing fence on site shall be properly maintained so it stands completely erect and all gaps must be repaired within 30 days of this approval.
3. All building façade remodeling shall be completed by December 31st, 2011.
4. Landscaping and parking improvements shall be completed by December 31st, 2012.
5. Parking lot resurfacing shall be coordinated with the West Valley Public Works Department.
6. The sign on site may be relocated but the height and size shall not be altered. The redesign shall be reviewed by the Planning Commission in a Study Session prior to issuance of a building permit. A Building Permit shall be required for all signage.
7. A 6' tall masonry enclosure must be provided for dumpsters located on site.
8. All requirements of affected departments and agencies must be met including UDOT and West Valley City Public Works, Fire and Building Inspection Departments.
9. Any exterior lighting must be installed so that it does not negatively impact the adjacent residential property and in accordance with the guidelines in the Lighting section of the West Valley City Code (7-9-114).

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

Applicant:
Mai Nguyen
2893 S Summit Circle
SLC, UT

Neutral:
Jack Jones
3440 S 1940 W
WVC, UT

Neutral:
Tony Noje
3456 S 1940 W
WVC, UT

Discussion: Jody Knapp presented the application. Barbara Thomas asked if a liquor license is typically required to go through the City. Jody replied that the City reviews locations requesting them and then sends the State a letter of consent. Jack Matheson stated that there are currently no liquor licenses available through the State so the applicant will likely be placed on a waiting list.

Barbara Thomas asked if the applicant is willing to construct a barrier on the northwest side of the property to protect the neighboring commercial business owner. Mai Nguyen replied that she will build a wall. Commissioner Thomas asked what her plans are for the Chinese Elm tree on the site. Ms. Nguyen replied that she will likely have to remove the tree when a wall is constructed. Jody asked how far the wall will go. Ms. Nguyen replied as far as it can go. Jody indicated that Ms. Nguyen would need to ensure that all setback requirements are met.

Jack Jones, a residential property owner, stated that he is grateful the property is being redeveloped and improved but requested that the 6 foot masonry walls be constructed first. He described cases of vandalism and crime that have happened to residential property owners directly resulting from people and activity on this site. He added that he is concerned with the dumpster location because he can hear people throwing away bottles at 4 and 5 in the morning. Ms. Nguyen replied that the dumpster near the residential property will be moved. She explained that she is unable to construct the fence first because some of the money will be coming out of her own pocket and she will not be able to financially afford this. She indicated that she wants to do the remodel first because by fixing this part of the property, better clientele will be attracted to the site and she will have more money coming in to help pay for fixing everything else. Ms. Nguyen explained that she will move the dumpster immediately and fix the existing fence so that there are no holes. Mr. Jones stated that he has been promised a fence for 20 years from the City and previous property owners and is very frustrated that it hasn't been done. He indicated that the residents highly recommend Ms. Nguyen change her priorities to help them out.

Jack Matheson stated that the applicant is fixing this property out of the goodness of her heart. He indicated that he understands why she would want to fix the front first. He stated that he sympathizes with Mr. Jones' frustration but added that he is confident Ms. Nguyen will do what she can to get the wall constructed as soon as she is able. Phil Conder agreed and added that if the fence is installed first, the rest of the project might not even happen due to cost. He stated that the fence will be built by June 2011 because it is being required in this conditional use.

Tony Noje, a neighbor, stated that he likes the remodel but would like the fence constructed first. He asked if West Valley will help support the applicant with financial costs. Vice-Chairman Conder replied that the Planning Commission does not address this type of issue and directed him to speak with the Community and Economic Development Department regarding his concerns. Commissioner Thomas asked if the drive through will be kept. Ms. Nguyen replied yes. She stated that she would request that no masonry wall be required of her on the west side of the property since the neighbors are a commercial business. She indicated that she may eventually buy this property so she doesn't want to eliminate any options.

There being no further discussion regarding this application, Vice-Chairman Conder called for a motion.

Motion: Commissioner Thomas moved for approval subject to the nine staff conditions and adding condition #10- The Chinese Elm tree on site must be removed and condition #11- A barrier must be constructed that prevents vehicles traveling through the northwest portion of the property.

Commissioner Woodruff seconded the motion.

Roll call vote:

Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Vice-Chairman Conder	Yes

Unanimous – C-25-2010 – Approved

C-26-2010

Glen's Tires (Mark Wilson Architects)

3368 S. Redwood Road

C-2 Zone (1.4 Acres)

The applicant, Mark Wilson Architects and Glen's Tires, is requesting a conditional use amendment for a redevelopment project located at 3368 S. Redwood Road. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates General Commercial uses for this area. The surrounding zones include C-2 to the north and east, C-3 to the south, R-1-6 to the west. The surrounding uses include a storage unit facility to the north, the Westerner Bar to the south and single family residential to the west.

Glen's Tires is an existing well established tire service business that has been operating from this location for many years. The business has recently been purchased by a new owner who would like to re-develop the site. The proposal is to completely scrape the site and start new.

The building proposed is 11,875 square feet which includes the following:

- 1250 sqft office/waiting area
- 6250 sqft Service Area (5 Bays)
- 1250 sqft Covered Tire Storage
- 3125 sqft Canopy

The building will be a metal structure faced with stucco and a cultured stone wainscot. A cornice detail has been added to the roof, as well as metal canopies over all of the windows. The canopy structures will be supported by stucco and stone columns. Outside storage is not permitted at this location so the rear canopy area will be used to store tires. The west side of

the site will not be developed at this time. However, this area shall be maintained by a dustless gravel surface and remain free of weeds. This area shall not be used for storage of any materials or parking until it is approved by the Planning Commission as a Conditional Use Amendment.

The landscaping on site will be completely redone including the area adjacent to Redwood Road which will comply with the standards set forth in the Landscaping Along High Image Arterial standards for Redwood Road. The 10' landscape buffer required adjacent to residential uses shall be installed as part of this phase. Therefore, the total site landscaping will be 15% of the total site area.

The parking requirement for this use is as follows:

- 3/service bay = 5 bays x 3 = 15
- Office/retail/waiting area = 1250 sqft @ 1/300 = 4 spaces
- Total required = 19
- Total provided = 26

There is a dumpster proposed on the south side of the site. A 6-foot masonry enclosure must be constructed around the dumpster. Any mechanical equipment to be included on site must also be screened.

A 6' masonry wall is required adjacent to the residential uses and shall be constructed as part of this phase. There is an existing chain-link fence adjacent to the commercial property. If this is to remain it shall be properly maintained and replaced as necessary.

The lighting for the site will include the Redwood Streetscape lighting and the site lighting will be located on the building itself. Additional light poles in the parking lot are not proposed. The site shall meet the lighting standards set forth in the Parking chapter of the West Valley Municipal Code and shall not negatively impact adjacent residential uses.

Glen's Tires is also proposing to locate a monument sign along Redwood Road. The sign proposed would have a cultured stone base to match the building and will be approximately 6' tall and no more than 50 square feet in area, per the West Valley City Code. Wall signage has also been included and shall be no more than 15% of the front building façade and 5% of any remaining side. Specific sign details have not been submitted at this time and a separate building permit will be required for all signage.

Staff Alternatives:

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

1. The building and site shall be constructed per the approved plans in accordance with the West Valley City Commercial Design Guidelines and the Redwood Streetscape Requirements.
2. A separate Building Permit shall be required for all signage and it must comply with the West Valley Sign Ordinance. Outdoor merchandise display shall also comply with the West Valley Sign Ordinance.

3. A 6' tall masonry enclosure must be provided for the dumpster located on site. Any mechanical equipment must be screened on top of the building or by a masonry wall and landscaping if it is to be located on the ground.
4. A 6' tall masonry wall shall be constructed adjacent to surrounding residential uses. Existing fencing on site shall be properly maintained and either repaired or replaced where damaged.
5. The un-improved portion of the site shall not be used at this time for any purpose including storage or parking.
6. Outside storage shall not be permitted on site.
7. All of the services performed on site must be conducted within the building/roof area.
8. All requirements of affected departments and agencies must be met including UDOT and West Valley City Public Works, Fire and Building Inspection Departments.
9. All necessary permits for site demolition must be obtained.
10. Any exterior lighting must be installed so that it does not negatively impact the adjacent residential property and in accordance with the guidelines in the Lighting section of the West Valley City Code (7-9-114).

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

Applicant:

Mark Wilson
46 West Main Street
Lehi, UT

Discussion: Jody Knapp presented the application. Mark Wilson, the applicant, stated that they are committed to doing a nice building and have done everything they can to ensure this is a nice and attractive improvement. Barbara Thomas asked if the name of the business will change. Mr. Wilson replied that it will remain Glen's Tires since this is a name that has been recognized for a long time. Joe Garcia asked that staff clarify what a 6 foot masonry enclosure for the dumpster is. Jody replied that it must be a fully enclosed structure consisting of a masonry material.

There being no further discussion regarding this application, Vice-Chairman Conder called for a motion.

Motion: Commissioner Woodruff moved for approval subject to the 10 items listed by staff.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Vice- Chairman Conder	Yes

Unanimous – C-26-2010 – Approved

PLANNING COMISSION BUSINESS

Approval of minutes from September 22, 2010 (Regular Meeting) **Approved**

Approval of minutes from October 6, 2010 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:53 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant