

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

October 27, 2010

The meeting was called to order at 4:00 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, and Barbara Thomas

ABSENT:

Joe Garcia and Imaan Bilic

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

AUDIENCE

Approximately eight (8) people were in the audience

GENERAL PLAN/ZONE CHANGE APPLICATION

GPZ-1-2010

Lineu Cordeiro

3641 South 7200 West

General Plan change from low density residential to medium density residential

Zone Change from M(DR) to R-2-8

0.43 Acres

Lineu Cordeiro has submitted a General Plan/zone change application for a 0.43 acre parcel located at 3641 South 7200 West. The property is currently zoned M(DR) (manufacturing with a deed restriction) with a General Plan designation of low density residential (3 to 4 units/acre). The proposed zone is R-2-8 (residential duplex, minimum lot size 8,000 square feet) and the proposed General Plan designation is medium density residential (7 to 12 units/acre).

Surrounding zones include R-1-8 to the north and east, M(DR) to the south and C-2 to the west in Magna. Surrounding land uses include single family homes to the north and east, a landscaping maintenance business to the south, and Deseret Industries to the west. The property is currently developed as a triplex and garage/shop space. The City's Building Inspection Division recently cited the property owner for having converted the single family home into a triplex without a permit and, pending the outcome of this application, will require the owner to either convert the building back to a single family home or into a duplex. They have compiled a detailed report outlining the necessary requirements for this conversion.

This property has a unique history. The following information describes the history of this parcel as well as the parcel to the south:

1. In 1983, John Poulsen, who was the owner of the subject property and property to the south (3701 South) at the time, applied for a zone change from R-1-8 to M-1 (M-1 is now M). The Planning Commission recommended denial; however, the City Council approved the zone change subject to a deed restriction which limited the uses allowed on the property. A copy of the deed restriction is attached. The deed restriction limits the use of the two parcels to the following uses only:
 - a. Residential use compatible with the surrounding neighborhood;
 - b. No more than the following businesses will be conducted on the property:
 - i. Construction for utilities;
 - ii. Plumbing, heating and air conditioning;
 - iii. Mechanical contractor;
 - iv. Construction;
 - v. Real estate business;
 - vi. Vehicle restoration;
 - vii. Ceramics.
 - c. Contractor's equipment storage for the above businesses;
 - d. Warehousing for the above businesses;
 - e. Office space for the above businesses.
2. According to Salt Lake County property records, the parcel to the south (3701 South) includes a 2,800 square foot, two story office building as well as a 2,900 square foot

- storage building/garage. Both buildings were built in 1980. At the time of the rezone in 1983, the south parcel also included a home which has since been demolished. The subject parcel (3641 South) includes a 1,745 square foot residential building built in 1955 (originally built as a single family home) and a 4,095 square foot storage building/garage built in 1974.
3. In 1989, City staff initiated a zone change from M(DR) to R-1-8 because the two parcels which were previously owned by Mr. Poulsen were now under separate ownership. City staff at the time was concerned that two businesses would go in where in the past there had only been one. The Planning Commission denied the zone change. The following is the motion for denial that was approved: "...I move, in regards to application Z-5-89, that we deny the zone change from M(DR) to R-1-8 acknowledging that the land use as it is currently constructed has a large office building and a significant number of storage units which would be very difficult to use for any single-family dwelling residential purpose. We will allow two businesses on separate parcels."
 4. Consistent with the Planning Commission's decision, the City would allow a business on each parcel subject to the restrictions listed in the deed restriction. Adequate parking would need to be provided.
 5. In July 2008, the City received a business license application for a triplex on the north parcel (3641 South). Staff can find no record indicating that the single family home on the property was converted to a duplex or triplex legally. Therefore, the only way a business license for a duplex or triplex could be issued would be if the property was rezoned to a duplex or multi-family zone.

Attached to this report is a document from the applicant that describes why he believes this application should be approved.

If this application is approved, the triplex on the property would need to be converted to a duplex and the deed restriction, which applies to the subject property as well as the property to the south, would need to be amended. The owner of the property to the south has indicated in a letter that he does not object to the subject property having a duplex. In addition to the deed restriction amendment, staff recommends that a development agreement be used to require improvements to the property. If this application is denied, the triplex would need to be converted back to a single family home or be modified to be used for one of the other uses described in the deed restriction. As an example of this, the property to the south once included a home that was demolished to make room for the contractor's yard.

Several issues were raised during the study session regarding property lines, building permits and the uses on the east side of the site. One of the issues specifically was regarding the location of the eastern building and the fact that it is build over a property line. The Chief Building Official indicated that a firewall would be required to separate the buildings at the property line and will do an inspection of this building to verify whether or not that is currently in place. Staff is compiling more data regarding the history of the site and will present the findings prior to the hearing.

Staff Alternatives:

1. Approval of the General Plan/zone change subject to:
 - a. A deed restriction amendment signed by all three parties (the City, the subject

- property owner, and the owner of the property to the south) allowing for a duplex on the property.
- b. If the home is used for rental purposes the owner shall obtain a business licensed and be a member of the Good Landlord Program.
 - c. Any commercial uses operating on site shall be licensed.
 - d. The eastern building shall be inspected by the Chief Building Official and the applicant shall complete any necessary improvements required as a result of this inspection.
 - e. A development agreement with the following requirements:
 - i. The triplex shall be converted into a duplex and meet all building code requirements. This requirement must be completed before the City issues a business license for the duplex.
 - ii. All exterior wood portions of the duplex shall be stained or painted.
 - iii. A site plan shall be submitted to the City that designates parking areas for the duplex and commercial uses to the east. Additional parking located west of the duplex may be needed for the duplex use.
 - iv. The existing concrete driveway between the duplex and the south property line shall be extended west to 7200 West consisting of concrete or asphalt paving and be the same width.
 - v. All landscaped areas must be maintained in a healthy, weed free condition. Any dead or weed filled landscape areas shall be replaced with lawn or other appropriate groundcover.
 - vi. Any fencing that does not meet the City's maintenance standards shall be brought into compliance.
 - f. With the exception of requirements d and e(i), all conditions must be completed prior to June 1, 2011.
2. Continuance, for reasons determined during the public hearing.
 3. Denial, the triplex is not legal and should be converted back into a single family home or modified to be used for one of the other uses described in the deed restriction.

Applicant:

Lineu Cordeiro
Not present

Neutral:

Ron Madsen
7150 Cimmarron Dr.

Discussion: Steve Pastorik presented the application. Barbara Thomas asked how long the building has been a triplex. Steve replied that there is no business license or building permit but the applicant estimated that it has been this way for around 20 years. The applicant didn't indicate when he purchased this property. Jack Matheson asked if the size of the building complies with duplex requirements. Steve replied yes and explained that the minimum square footage for a duplex is 1600 square feet per multi-level building. Commissioner Thomas stated that she is concerned there haven't been, and likely won't be, any improvements to the state of the building if this application is approved. Jack Matheson stated that if the property is changed to residential duplex it will be more in conformity with the surrounding residential properties and will help transition from commercial to single family residential. He added that the lot could also be greatly improved in the process as well. Terri Mills asked how many duplexes would be allowed on this property if the application were

approved. Steve replied that there is enough area to do two but there is not enough frontage.

Ron Madsen stated that he doesn't believe a multi dwelling unit would be beneficial for the area and indicated that it might devalue the neighboring properties. He stated that he feels multi-family units don't improve or enhance areas. Terri Mills stated that the home in question currently is a multi-family duplex. Mr. Madsen indicated that he knows it hasn't been a duplex for 20 years. He indicated that he thought this application was referring to the property to the south as well and was concerned that a large complex would be constructed. Mr. Madsen stated that there is a lot of parking, storage, and traffic conducted in the garages on the rear of the property. Commissioner Conder asked how Mr. Madsen feels about manufacturing on the property. Mr. Madsen replied that it's not a big issue as long as it's not loud.

Commissioner Matheson stated that with the size and quality of the duplex, he no longer thinks the property should be rezoned.

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

Motion: Commissioner Thomas moved for denial.

Commissioner Woodruff seconded the motion.

Roll call vote:

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

Majority – GPZ-1-2010 – Denied

ZONE TEXT CHANGE APPLICATIONS

ZT-15-2010

Sections 7-6-209 Agriculture Ordinance

Staff Presentation by Hannah Thiel, Planner II

Background

This ordinance text change addresses the City's minimum area standards for accessory buildings on agriculturally zoned properties that are less than half an acre.

Currently in single family residential zones, accessory buildings may occupy up to 25% of the rear yard. Agricultural properties have no limit for accessory building area coverage and have larger setbacks than required in the single family zones. The agricultural zone currently allows an exception for small agricultural lots that are less than half an acre to use the same setback standards as the single family residential zones.

This proposed ordinance adds the requirement to use the same area regulations as the single family zone (which is that no more than 25% of the rear yard shall be covered) when the exception for closer setbacks for agricultural properties is applied.

The Planning Commission had concerns regarding the existing exception to allow accessory buildings to be placed closer than the minimum setbacks for the agricultural zone as the accessory buildings may house animals. However, any structure that houses animals must be placed a minimum of 40' from any dwelling.

Recommendations/ Staff Alternatives

- Approval of the Agriculture 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 Agriculture Ordinance Text Change

Applicant:

West Valley City

Discussion: Hannah Thiel presented the application. Terri Mills stated that she would like to strike the word “agriculture” from the proposed language because there should be no problem storing equipment in sheds closer to the property line. Phil Conder asked if there are any fire codes regarding gas containers. Commissioner Mills replied that it isn’t any different from a residential property. Hannah stated that any shed closer than 5 feet to the property line requires fire rated walls.

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

Motion: Commissioner Mills moved for approval subject to striking the words “agricultural or” from the proposed language.

Commissioner Thomas seconded the motion.

Roll call vote:

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

Majority – ZT-15-2010 – Approved

SUBDIVISION APPLICATION

SV-3-2010

Cassell Street Vacation

(From Clayborne Avenue (2785 S) to the south ROW line of the Light Rail alignment)

BACKGROUND:

Donna Christensen, is requesting consideration to vacate a portion of Cassell Street, an unimproved road, located at approximately 1510 West 2785 South. The portion to be vacated is located between Clayborne Avenue and the south edge of the light rail extension to West Valley.

The Christensen's are property owners immediately to the west of Cassell Street. They would like the unimproved road vacated due to the location of the light rail extension to West Valley. The alignment of the rail line has eliminated any potential connection of Cassell Street to the north and the property owner would like to use the vacated right-of-way as part of their lot.

In the past, and prior to the chosen light rail alignment, discussions took place about the possibility of paving Cassell Street because it would allow for a north/south connection at the ends of several east/west roads in this area of Chesterfield. As mentioned previously, the light rail alignment eliminates that option since there will not be a vehicular/pedestrian crossing permitted at Cassell Street. The right-of-way along this section of Cassell Street is 66 feet in width. By law, the ordinance that vacates this right-of-way will provide the adjacent property owners with 33 feet of said unimproved street.

Staff has discussed this issue with a neighbor in the area who believes that the road should be vacated. His comment was that it would help reduce the amount of foot traffic from individuals causing problems in the neighborhood.

Staff also discussed the proposed vacation with an Attorney representing the property owner east of Cassell Street and Clayborne Ave. The property owner, Mayo Hogue is concerned that an existing fence attached to various trees in the right-of-way would need to be removed at his expense. The concern is the cost to have the fence removed if in fact it crosses over to what would be the Christensen side of the property.

Staff spoke with the Christensen's and they understand the concern. However, it is the Christensen's intent to remove many of the trees because they pose a safety problem for their existing home. Any new fence that would be put up would be at the Christensen's expense, including the removal of the older field fence. This may require a simple survey to determine where the centerline of the vacated road would be.

According to City ordinance, streets and/or alley vacations shall be reviewed by the Planning Commission with a recommendation to the City Council.

RECOMMENDATION

1. Approve the Cassell Street vacation plat because the street is no longer needed as light rail will prevent its continuation to the north.
2. Continue the application due to issues raised at the public hearing.

Applicant:

George Christensen
1633 W Southgate Ave

Favored:

Tom Barton
1510 W Clayborne Ave.

Discussion: Steve Lehman presented the application. Phil Conder commented that this will create odd shaped lots and questioned if there is a way it could be straightened out. Steve replied that State Law requires the street to be divided straight down the center line. He indicated that the property owners could sign agreements to straighten out the property lines if they wanted to but that wouldn't be something the City could require. George Christensen, the applicant, stated that the property has always been angled this way. He indicated that the area hasn't been cleaned up in a long time and there are trees hanging into his property that he fears could cause damage if not removed. Mayo Hogue, Mr. Christensen's neighbor, has expressed concern regarding the financial costs of removing the fence separating the properties. Mr. Christensen stated that he is not opposed with removing the existing fence and replacing it with a new one. He has clarified this with Mr. Hogue and the issue has been resolved.

Tom Barton, a neighbor, stated that the property has an abandoned ditch bank that has become a garbage dump and a hiding place for criminals. He stated that it would be helpful to have a fence blocking this off to prevent further collection of trash and crime.

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

Motion: Commissioner Thomas moved for approval.

Commissioner Conder seconded the motion.

Roll call vote:

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

Unanimous – SV-3-2010 – Approved

CONDITIONAL USE APPLICATIONS

C-27-2010

You Burn 'Em We Build 'Em Transmissions

2660 W. 2590 S.

M Zone (1 Acre)

The applicant, Robert Kingsford, is requesting a conditional use for a transmission shop at 2660 West 2590 South. The zoning for this area is M, Manufacturing. The West Valley City General Plan anticipates Light Manufacturing uses for this area. The surrounding zones are M. The surrounding uses include Roger Knight Construction Offices in the adjoining office to the east, a Cabinet/Wood Shop to the south and office/warehouse uses to the north and

west.

Mr. Kingsford is currently operating his business at 2415 S. 2700 W. in West Valley City and wishes to relocate to this site. The business will occupy approximately 4400 square feet in an existing building. There are 2 existing over-head doors on the front of the building with access to a large open interior space. All transmission work will be conducted within this space in the building and there will be no outside storage for this use.

The landscaping on site is existing, however, the trees that were required on the west side of the site along 2700 West when the site was originally developed (PR-11-95) have been removed. There are power lines located in this area and the trees were fairly large so the property owner has indicated that the trees were removed due to interference with these power lines. Staff recommends that the required trees be replanted in the setback area on the west side of the site to comply with 7-13 Standards for Landscaping along High Image Arterials and that a species of tree be planted that is suitable under power-lines per Rocky Mountain Power.

Mr. Kingsford is familiar with the West Valley City codes regarding disposal of all fluids related to his business and has measures in place to dispose of these fluids properly.

The applicant has placed wall signs on the building and has not proposed any additional signage on the site 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.

Staff Alternatives:

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

1. Three trees shall be planted in the setback area along the west side of the site adjacent to 2700 West entrance in accordance with the standards set forth in Chapter 7-13 Standards for Landscaping along High Image Arterials. The type of tree to be planted shall not interfere with adjacent utility lines and be acceptable with Rocky Mountain Power.
2. There shall be no outside storage for this use.
3. On-site services shall only be conducted within the building and shall not be conducted outside or in any parking areas.
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. All fluids shall be stored and disposed of properly in accordance with West Valley City Fire and Building Code requirements.
7. 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:

Ron Mccallister
3635 S Manway

Discussion: Jody Knapp presented the application. Phil Conder asked why re-planting the trees is a requirement in this conditional use rather than something Code Enforcement would address. Jody replied that it is a typical standard that is usually applied to these types of applications. Ron Mccallister, the applicant, stated that everything will be done inside the building. He added that this is a more attractive site and will help his businesses expand. Terri Mills commented that she likes that the applicant is using a wall sign.

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

Motion: Commissioner Woodruff moved for approval subject to the 7 staff conditions.

Commissioner Thomas seconded the motion.

Roll call vote:

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

Unanimous – C-27-2010 – Approved

PLANNING COMISSION BUSINESS

Approval of minutes from October 13, 2010 (Regular Meeting) **Approved**
Approval of minutes from October 20, 2010 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:43 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant