

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**November 10, 2010**

The meeting was called to order at 4:01 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, Ron Weibel, and Nichole Camac

**WEST VALLEY ADMINISTRATIVE STAFF:**

Claire Gillmor, Assistant City Attorney

**AUDIENCE**

Approximately eleven (11) people were in the audience

## **SUBDIVISION APPLICATION**

### **SNC-1-2010**

#### **Hebe Court to Lampert Lane (2305 South 5370 West)**

#### **BACKGROUND:**

Mr. Bart Warner, representing the Warner Truck Center is requesting consideration to change a street name in the West Valley Truck Center Subdivision. The request is to change Hebe Court to Lampert Lane.

The West Valley Truck Center Subdivision was recorded in October 1999. The subdivision consists of 31 lots and a dedicated street system. One such street is Hebe Court, a cul-de-sac that is adjacent to 6 lots. Due to business related issues, Mr. Warner would like to change the name of Hebe Court to Lampert Lane. Staff has attached a letter from Mr. Warner that addresses the reasons for the name change.

When the City contemplates a street name change, a concern arises regarding the potential impact on properties that use the street name. In Mr. Warner's letter he states that along with Freightliner, the only other tenant along this right-of-way is Wabash of Utah. Mr. Warner mentions that although Wabash leases from Warner, he did call their Chief Financial Officer to inform him of the request to change the street name. The letter states that Wabash has no issue with the name change and is in support of Lampert Lane.

#### **RECOMMENDATION:**

1. Approval of the street name change from Hebe Court to Lampert Lane.
2. Continue the application due to issues raised at the public hearing.

#### **Applicant:**

Bart Warner  
2240 S 5370 W

**Discussion:** Steve Lehman presented the application. The applicant, Bart Warner, explained that Jim Hebe was president of the Freightliner Company for 10 years but got too aggressive and lost the company millions of dollars. He indicated that the company owns and controls property on all sides and has recently made a deal with the England Company to lease the rest of the corner. Mr. Warner stated that this name change is a political request but is important to the company and its employees. He added that the name will not be changed in the future and will remain as a legacy to Mr. Lampert.

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

**Motion:** Commissioner Conder moved for approval.

Commissioner Matheson 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 – SNC-1-2010 – Approved**

**CONDITIONAL USE APPLICATIONS**

**C-28-2010**

**City Smoke Shop**

**2987 West 3500 South**

**C-2 Zone (1 Acre)**

The applicant, Kim Binh Loc, is requesting a conditional use amendment for a smoke shop/convenience store in an existing retail shopping center at 2987 West 3600 South. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates City Center uses for this area. The surrounding zones are C-2 and R-4. The surrounding uses are retail to the east, a daycare facility to the west and to the south there is residential.

The applicant currently operates a small (less than 1,000 square feet) tobacco shop in an existing retail center. The application was originally reviewed as a retail use due to the limited items being sold (tobacco and tobacco accessories), which is a permitted use in a C-2 zone. The applicant then requested to add off-premise beer sales to her license. This use alone is also a permitted use in a C-2 Zone. However, now due to the mixture of products being sold (tobacco and accessories, beer, gum, soda, juice, sunglasses, hats, etc.) the use is considered more of a convenience store, which is a conditional use, per the following definition:

(52)"**Convenience Store**" means any building which contains less than 5,000 square feet of net floor area and which is generally used for the retail sale of prepackaged food, produce and/or other non-food commodities.

Parking on the site is limited, however the site has been historically used for retail/office type uses and this application is similar to those uses.

The business utilizes the existing monument sign on site. A site review was conducted and several temporary signs and window signs were also present. Window signs can not occupy more than 50% of the windows and only one temporary banner is permitted per business. The business is required to meet all the requirements in the West Valley City Sign Ordinance so some of the signs may need to be removed.

**Staff Alternatives:**

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

1. All signage shall meet the requirements set forth in the West Valley City Sign Ordinance.
2. This use is subject to review upon a valid complaint.

**Applicant:**

Kim Loc  
2987 W 3500 S

**Discussion:** Jody Knapp presented the application. Kim Loc, the applicant, indicated that the addition of beer sales will help boost the company's profits. Jack Matheson asked if spice is sold at this location. Ms. Loc replied that spice is sold here and will be as long as it is legal in the City. Barbara Thomas asked what the blue and white bucket located at the front of the building is used for. Ms. Loc indicated that this bucket is currently used for garbage. She indicated that she has requested a garbage can from the property owner.

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

**Motion:** Commissioner Thomas moved for approval subject to the 2 staff recommendations.

Commissioner Woodruff 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-28-2010 – Approved**

**C-29-2010**

**American Vehicle Sales  
3660 S. Redwood Road  
C-2 Zone (1.9 Acres)**

The applicant, Doug Holladay, is requesting a conditional use for a building expansion at 3660 South Redwood Road. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates Mix Uses for this area. The surrounding zones are C-2

to the north, east and south and RM to the west. The surrounding uses include Offices to the north, a carwash to the south, commercial to the east across Redwood Road and residential (Homestead Farms) to the west.

Mr. Holladay is currently operating a vehicle sales business at this location and wishes to add a 38' x 40' addition to the north side of the existing 3060 square foot building. This building will be used for storage of the more high-end vehicles on site and possibly jet skis or boats in the summer months. Auto repair or detailing is not conducted at this location and the building shall not be used for this type of service at any time.

The new addition does not increase the gross floor area by more than 50% so the Commercial Design Standards are not applicable to this application per section 7-14-202(2) of the WVC Municipal Code. The building will be a 2-toned tan stucco and the existing building will be re-faced to match.

The landscaping on site is existing and the valuation placed on the building permit is less than \$50,000 so the Standards for Landscaping along High Image Arterials shall not apply to this site at this time.

There is an existing monument sign on site. The base of the monument sign appears to be unfinished. Staff recommends that a masonry base be added to the sign that matches the stucco finish on the building. Also, the sign is partially located in the parking lot and the other half is in the turf area along Redwood Road. Staff recommends that the landscaping adjacent to the sign be brought in to compliance and an area twice the area of the sign be installed at the base of the sign.

There are also 22 flag poles located along the east and south side of the site. The flag poles were installed by a previous tenant and were originally used for American Flags and were not intended for advertising. However, the current tenant wishes to use these flags for advertising. The requirements set forth in the Sign Ordinance states that flag poles shall generally maintain a 20' setback from the right-of-way. These flag poles are approximately 6' from the right-of-way and are spaced approximately 13' apart. Staff recommends that the spacing be increased and that every other flag pole be removed, which would leave 11 flag poles for advertising and that the size of the flags be limited to a maximum of 16 square feet per pole.

Lighting on the site has been a problem due to the proximity of the adjacent residential uses to the west. The location of the new addition will help alleviate some of this problem and will block a large portion of the residential buildings, however, some of the buildings will still have visibility into this site. Therefore, staff recommends that a lighting plan be prepared in accordance with 7-9-114 so the lighting on site does not negatively impact the adjacent residential uses.

**Staff Alternatives:**

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

1. There shall be no auto repair or auto service related uses conducted on site.
2. The existing building shall be re-faced with tan stucco to match the existing building.

3. The monument sign on site shall include a minimum 1' base that is masonry to match the building on site.
4. A landscaped area twice the area of the monument sign shall be installed at the base of the sign. This area shall not include the existing turf area and shall be all new landscaping specifically installed as an enhancement to the sign.
5. Eleven flag poles are permitted along the perimeter of the site and must be spaced at least 24' apart. The flags on the pole shall not exceed 16 square feet.
6. A lighting plan shall be submitted and the lighting on site shall not negatively impact the adjacent residential property per the standards set forth in 7-9-114 of the WVC Municipal Code.
7. All requirements of affected departments and agencies must be met.
8. 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:**

Doug Holladay  
3660 S Redwood Rd.

**Neutral:**

Kathy Anderson  
3672 S Redwood Rd.

**Neutral:**

Carolyn Anderson  
1780 Homestead Farm Lane #2

**Discussion:** Jody Knapp presented the application. Doug Holladay, the applicant, indicated that he would like this addition to ensure that more expensive vehicles are kept safe. He indicated that he is aware lighting has been an issue in the past and stated that he will block and re-arrange problem lighting where possible so it doesn't affect neighbors. Jack Matheson questioned whether there will be an iron gate in front. Mr. Holladay stated that he was unaware he was allowed to have a gate. Jody stated that there are certain gates the fire department will allow. Phil Conder asked what the applicant intends to do with the flagpoles. Mr. Holladay replied that he will hang signs from the light poles inside the lot so the flagpoles will not be used. He added that he doesn't want to cause any safety concerns for passing traffic.

Kathy Anderson stated that she works for a child care center to the south and wanted to ensure the lane would not be blocked. Mr. Holladay replied no.

Carolyn Anderson, representing the HOA residents neighboring the property, indicated that the existing fence is in poor condition. She indicated that if it falls, it will cause major theft concerns for the applicant as well. Jody stated that the Planning Commission can require that the fence be in good repair but can't require that a new masonry fence be constructed. Mr. Holladay indicated that he wasn't aware of this concern but will fix any problems.

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

**Motion:** Commissioner Conder moved for approval subject to the 8 items listed by staff, modifying item number 2 to state: The existing building shall be re-faced with two-tone tan stucco to match the new building, modifying item number 5 to state: all flag poles shall be removed, and adding condition #9 to state: the existing fence shall be maintained or removed.

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 – C-29-2010 – Approved**

**C-30-2010**

**Chow Time Restaurant**

**2819 S. 5600 W.**

**C-2 Zone 2.36 Acres**

The applicant is requesting conditional use approval for a restaurant on a vacant pad site in the existing Highbury Shoppes retail development. The property is zoned C-2 (general commercial) and is in an area designated by the West Valley City General Plan as general commercial. The property adjacent to the north is zoned M, to the east is zoned RM and to the west and south zoned C-2.

Although this overall development has received conditional use approval, one of the conditions of that approval is that all pad sites come back to the Planning Commission as a conditional use. That is also the requirement of the 5600 West Overlay Zone ordinance.

The proposal is for a 13,551 square foot buffet style restaurant. Due to the size of the restaurant, the applicants are using two lots in the development to be able to provide the required parking. The lot used for the additional parking fronts on 5600 West and that lot will have a pad site on the north end fronting on 5600 West. This pad site will allow the development to maintain the intent of the Commercial Design Standards ordinance which tries to minimize parking fronting on a street.

The applicant has made major alterations to the building and the site to comply with City standards and staff is doing the final review of the landscaping plans. Staff will ensure through the review process that all requirements are met.

**Staff Alternatives:**

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:

1. All requirements of any affected department or agency must be met.
  2. All requirements of the Commercial Design Standards ordinance and landscaping ordinances must be met.
  3. No storage outside the building shall be allowed.
  4. All signage shall be approved by the Planning Commission.
- Continuance, to allow for the resolution of any issues raised at the public hearing.

**Applicant:**

Adam Ford  
510 S 600 E

**Discussion:** Ron Weibel presented the application. Joe Garcia asked if organic waste containers can be stored where the dumpsters are located. Ron replied that this would be fine as long as the garbage enclosure is large enough and the garbage company could still easily access dumpsters.

Jack Matheson asked if this building has gone through the Highbury Committee. Adam Ford, the applicant, replied yes and indicated that the Committee has requested the removal of the yin/yang sign due to competition from the neighboring Chinese buffet. He added that the committee has requested that there be no pitched roof. Harold Woodruff indicated that he liked the pitched roof. Ron clarified that the City doesn't get involved in CC&R's as long as the requirements don't circumvent the City's ordinances. Ron stated that the roof will have to return to the Planning Commission if anything is changed to ensure commercial design standards and other ordinances are being met. Brent Fuller asked if the applicant will be buying this property. Mr. Ford replied yes.

Barbara Thomas stated that she believes the building should be placed closer to 5600 West with more parking behind it. Phil Conder stated that people would have to walk around to the front of the building to get in. Jack Matheson referenced a shopping center in Murray where large stores are anchored at the back and smaller stores are in front. He indicated that maybe 30% building frontage is not enough and could increase but added that he believes large anchor stores should be at the rear of the property. Mr. Ford stated that parking is already installed on site. Brent Fuller stated that this center has already been planned but suggested that staff consider looking at the ordinance and modifying requirements for future sites. The Planning Commission and staff discussed possible future amendments regarding building frontage on major arterials.

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

**Motion:** Commissioner Matheson moved for approval subject to the 4 items listed by staff.

Commissioner Garcia seconded the motion.



**Roll call vote:**

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

**Majority – C-30-2010 – Approved**

**PLANNING COMISSION BUSINESS**

Approval of minutes from October 27, 2010 (Regular Meeting) **Approved**

Approval of minutes from November 3, 2010 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:56 p.m.

Respectfully submitted,

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Nichole Camac, Administrative Assistant