

Z-6-2012
Dee Hansen
5503, 5549 and 5573 West 4100 South
A to C-1
2.27 acres

Dee Hansen has requested a zone change on three parcels totaling 2.27 acres on the southeast corner of 5600 West 4100 South from A (agriculture) to C-1 (general commercial). Surrounding zones include C-1 to the west; RB (residential business) to the north, A to the east and R-1-7 (single family residential, minimum lot size 7,000 square feet) to the south. Surrounding uses include a Tesoro convenience store to the west, Walgreens on the northwest corner of the intersection, vacant land on the north and single family homes to the east and south. The property is designated as neighborhood commercial in the General Plan. The General Plan defines neighborhood commercial as areas that “allow for convenience shopping facilities which appropriately fit within and serve a neighborhood-oriented market. These facilities supply day to day necessities for local residents.”

UTA operates two bus routes (F556 and 47) along this portion of 5600 West and one route (41) along 4100 South.

Development Proposal

The applicant has submitted a concept plan, which is attached, that shows the proposed use for this corner as a retail building and convenience store with gas pumps. Also attached is a letter from Mr. Hansen that supports this application. The concept plans shows the development setback well over the required 20' to accommodate future road widening planned along 5600 West and 4100 South. UDOT has money programmed for fiscal year 2014/2015 through fiscal year 2016/2017 to extend the Mountain View Corridor (MVC) from 5400 South to 4100 South. With the MVC connecting to 4100 South, UDOT anticipates significant new traffic at the intersection of 5600 West and 4100 South. Hence, UDOT is planning capacity improvements for this intersection that will impact the subject properties within the next several years.

UTA is planning to eventually construct bus rapid transit (BRT) along 5600 West which could also require additional right-of-way at this intersection. The timing of the BRT, which was once slated for 2015, is now uncertain. As part of the environmental approval for MVC, UDOT is required to provide BRT on 5600 West before MVC is upgraded to a freeway with interchanges.

The concept plan illustrates how, from the applicant's perspective, a commercial development could function on the site now and after the road widening occurs. Complete site plan review including review from UDOT is not done until a conditional use permit is submitted. The landscape requirement along major streets like 5600 West and 4100 South is 20'. The concept plan submitted shows 10' of landscaping along these streets after the widening occurs. Staff recommends that a development agreement be used to ensure that 20' of landscaping is provided from the future property lines.

Staff Alternatives:

- Approval, subject to a development agreement, as the General Plan anticipates neighborhood commercial use at this location. The development agreement should require 20' of landscaping from the future property lines along 5600 West and 4100

South based on the anticipated widening from UDOT.

- Continuance, for reasons determined at the public hearing.

Applicant:

Dee Hansen
5445 S Highland Dr.

Neutral:

Debbie Dangerfield
5517 W 4100 S

Neutral:

Steve Rushton
5351 Woodledge Ave

Discussion: Steve Pastorik presented the application. Phil Conder asked how many feet UDOT will take for the right of way when 5600 West and 4100 South expand. Steve replied that it will be approximately 40 feet from 4100 South and approximately 30-40 feet from 5600 West. Steve stated that this project will go through a conditional use process where more detailed plans of the site will be worked out.

Dee Hansen, the applicant, stated that he has met with UDOT and is comfortable with requirements that include right in's and right out's on 5600 West and 4100 South. He added that Rocky Mountain will require a 30 foot easement as well and indicated that the site is getting more difficult to work with so he is requesting some leniency on the landscaping requirements. Barbara Thomas asked what landscaping and fencing plans have been decided on for the southern portion of the property. Mr. Hansen replied that the final site plan hasn't been designed yet but indicated that this will all be worked out in the conditional use phase. Commissioner Thomas stated that consideration must be provided to residents to the south and east when designing the site. Mr. Hansen replied that everything will be considered in terms of lighting, parking, etc. and indicated that he will work with the owners of the canal to ensure everything coordinates with them as well. Jack Matheson asked if there are any fencing ideas that are being considered. Mr. Hansen replied that a concrete masonry fence will likely be required on the eastern portion of the project but he is unsure about the southern portion due to property lines and working with the owners of the canal.

Debbie Dangerfield, a resident, stated that she is concerned about walls, traffic, lighting, dark alley's being created with concrete walls, etc. She indicated that she is aware this is the zone change and these things will be addressed later but wanted to express her concerns.

Floyd Rushton, a property owner to the east, stated that he supports the development. He stated that he would like an 8 foot high fence to be considered on the residential boundaries to protect properties from the proposed commercial uses. He stated that he is also concerned about an increase in traffic this development could bring and wants to ensure everything is properly designed to handle this. Mr. Rushton stated that he originally thought the canal would be the backdrop for development so he is concerned with the buildings backing onto the eastern properties in the current proposal. He stated that he would hope there are separation requirements for dumpsters and other commercial aspects that could cause problems for residents. Steve clarified that dumpsters must be 20 feet from residential property lines.

Ms. Dangerfield asked how tall the buildings are. Steve replied that this is currently being proposed as one story and added that everything is very conceptual at this point.

Jack Matheson asked if landscaping will be required on the southern portion of the property.

Steve replied yes.

Jack Matheson stated that he feels 10 feet of landscaping will be sufficient. Commissioner Thomas stated that this is a strong commercial area and landscaping is more important here. Commissioner Mills agreed.

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

Motion: Commissioner Thomas moved for approval subject to a development agreement, as the General Plan anticipates neighborhood commercial use at this location. The development agreement should require 20' of landscaping from the future property lines along 5600 West and 4100 South based on the anticipated widening from UDOT.

Commissioner Fuller seconded the motion.

Roll call vote:

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

Split -Z-6-2012- Motion Fails

Discussion: The Planning Commission discussed the benefits of requiring 20 feet of landscaping versus 10 feet of landscaping.

Chairman Conder called for a second motion.

Motion: Commissioner Thomas moved for approval subject to a development agreement, as the General Plan anticipates neighborhood commercial use at this location. The development agreement should require 20' of landscaping from the future property lines along 5600 West and 4100 South based on the anticipated widening from UDOT.

Commissioner Fuller seconded the motion.

Roll call vote:

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

Majority -Z-6-2012- Approved