

# PLANNING COMMISSION STAFF REPORT

## Metro C&D Transfer and Recycling Facility Conditional Use (Petition PLNPCM2008-00582) 3550 West 500 South Hearing date: January 28, 2009



Planning and Zoning Division  
Department of Community &  
Economic Development

**Applicant:**

Waste Management of Utah, Inc.

**Staff:**

Nole Walkingshaw 535-7128  
nole.walkingshaw@slcgov.com

**Tax ID:**

15-05-402-013

**Current Zone:**

M-1 (light Manufacturing)

**Master Plan Designation:**

West Salt Lake Master Plan:  
Industrial Land Use

**Council District:**

District 2 – Van Turner

**Lot size:** ~4.48 Acres

**Current Use:**

Indoor Recycling Facility

**Applicable Land Use Regulations:**

- Chapter 21A.26.020 CN District
- Chapter 21A.54 Conditional Uses

**Notification**

- Notice mailed
- Sign posted
- Posted to Planning Dept and Utah State Public Meeting websites January 15, 2009.

**Attachments:**

- A. Site/Building drawings
- B. Photographs
- C. Departmental comments
- D. Public comments
- E. Enforcement Records

***Request***

This is a request for conditional use approval for a recycling processing center (outdoor) business to operate on property located at 3550 West 500 South. The subject property and buildings have been used for a recycling processing center (indoor) in the past. A recycling processing center (outdoor) is permitted in the M-1 zoning district with conditional use approval. Planning Commission is the final decision making authority for conditional uses.

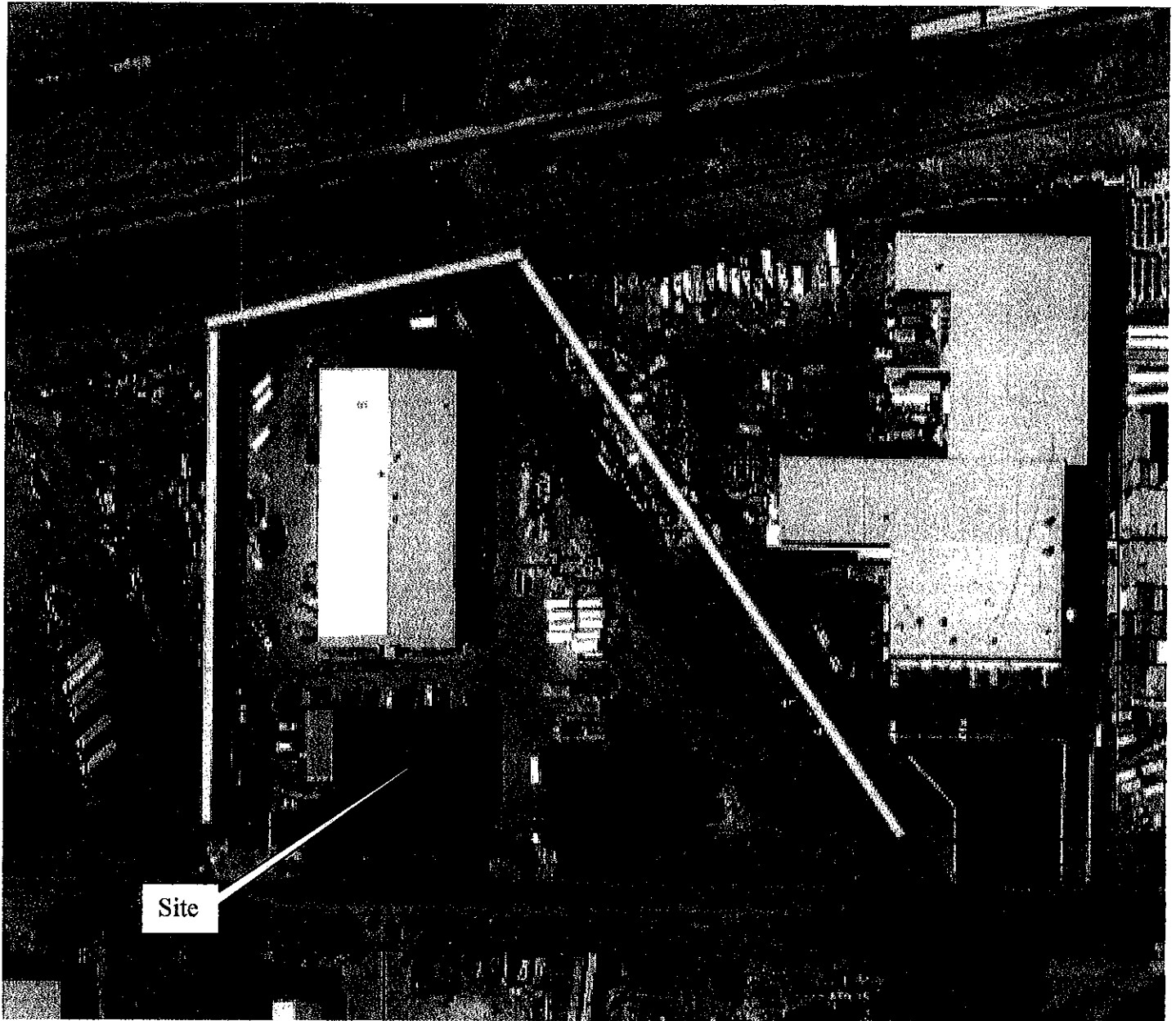
***Staff opinion***

Based on the findings listed in the staff report, it is the Planning staff's opinion that the project adequately meets or will meet the applicable standards and therefore recommends the Planning Commission approve with the following conditions:

1. A site proof fence or wall shall be constructed around the area of activity, "work area", built to a minimum height of 7 feet but not to exceed 10 feet in height. The design shall be acceptable to both the City Planning and Building Services Divisions, fences and walls 7 feet or greater are required to be reviewed for building code compliance and a building permit for the construction is required.
2. The construction of the fence/wall enclosing the "work area" may encroach on the existing parking area; a site plan demonstrating parking improvements including calculations for required parking is required. This plan shall include the location of the fence/wall and demonstrate that the required ingress and egress standards for vehicles are met. This parking area shall not be enclosed within the "work area" of the site.
3. Building repairs outlined in the engineering report provided by the Applicant require Building Services review and permitting, all additional modification proposed to the building are subject to the same review.
4. Due to the fact that there is an active zoning enforcement case staff requests that a reasonable deadline for submission of plans is established, and that the work is completed within 180 days of obtaining permits. Failure to accomplish this condition shall result in fines retroactive to the date cited in the Notice and Order.
5. Compliance with all other City department requirements outlined in the staff report for this project.

## VICINITY MAP

3055 West 500 South



## **Background**

### **Project Description**

The project site is located at 3550 West 500 South in a (Light Manufacturing) M-1 zoning district. The applicant desires to use the property and existing building for a recycling processing center (outdoor).

"Recycling processing center" means a facility to temporarily store, sort, recycle, process, compost or treat materials (such as paper, glass, metal and plastic products) to return them to a condition in which they can be reused for production or transported to another approved site for permanent storage, land filling or further processing. Recycling processing center does not include automobile salvage and recycling.

Zoning enforcement as well as business licensing inspections triggered the application for the requested change of use. Alterations were made, by the previous owner, to the structure which includes the removal of overhead doors, siding panels and other modifications. The determination was made that these modifications were significant enough to no longer consider the use to be an indoor recycling processing center. On June 4, 2008 a Notice and Order was served to the manager of the facility citing the violations. These violations carry a penalty of \$100.00 per day for each violation. The violations noted are:

- 21A.40.140 It is unlawful for any property owner or tenant to cause or permit any unlicensed, inoperable, unused or abandoned vehicles or vehicle parts to be in or upon any premises unless the premises is licensed for such use. Open storage of the following materials shall also be prohibited in or upon any premises unless the premises is licensed for such use: junk, scrap metal, used or scrap lumber, wastepaper products, discarded building materials, machinery or machinery parts, interior household furniture, appliances, tree limbs and cuttings, landscape debris, garbage, refuse, trash, rubbish, hazardous waste, industrial waste, construction and demolition waste, sludge, liquid or semi liquid waste; other spent, useless, worthless or discarded materials, or materials stored or accumulated for the purpose of discarding materials that have served their original purpose.
- 21A.28.040 An outdoor recycling processing center is not allowed in a M-1 district. All recycling activities are to be done indoors only. (without conditional use approval)

On June 16, 2008 a Notice of Zoning Violation Last Warning was delivered to the applicant giving the applicant 5 days to bring the property into compliance. Following this notice an agreement was made to stay the enforcement case while the applicant pursued the change of use from an indoor recycling processing center (permitted use ) to an outdoor recycling processing center (conditional use). The Business License for this facility has been suspended until a there resolution of these matters.

Vehicle access will be directly from 500 South via an existing 40-foot drive approach, exiting is done thorough an existing 40-foot gated drive approach. The applicant proposes to accommodate vehicle parking on site with 28 total parking stalls. One ADA stall is required. City Ordinance only requires 1 space per 3 employees plus 1 space per company vehicle. Current Business Licensing records show 21 full-time employees. The application states the highest shift to be 25-30 employees, as such the parking requirements have been met as they exist. Modifications to the parking layout may be necessary as a result of the site proof fencing requirements. The site plan showing the fence/wall details needs to include the parking and any other proposed modifications.

Adequate pedestrian access does not currently exist on site nor is it proposed by the applicant at this time. Pedestrian access to the site is not encouraged; the site uses heavy machinery and large vehicles. The area between the parking and the scale house should be clear of obstructions such that pedestrians are visible to vehicles as the, ingress and egress the facility. The work area shall be enclosed by a solid wall or fence as required ordinance. The work area shall also comply with all standards for a safe work place as determined by OSHA and/or other regulatory agencies.

Landscaping as it currently exists on the site is in poor condition. The applicant is proposing to install the required amount of landscaping along the front set back. This includes 15-foot landscaped areas along both street and a new landscape berm along the street frontage of the property.

Lighting for the project will be contained to the building and will avoid creating unnecessary light pollution.

Surrounding uses include:

North (M-1 Zoning District): vacant land and railroad track

South (M-2 Zoning District): contractor's yards

East (M-1 Zoning District): grocery related wholesale

West (M-1 Zoning District): storage yard

This area has developed as a heavy machinery, construction and warehouse district. There are large areas of vacant and developable land near the project area. The West Salt Lake Master Plan calls for the proper mitigating measures to buffer intrusive industrial uses.

## ***Comments***

### **Public Comments**

The Poplar Grove Community Council discussed the project at their December 4, 2008 meeting. At the meeting, the council was supportive of the project. Citizens comments are attached to Attachment

## ***Project Review***

- **Internal Project Review**

The project was provided to the following City departments for review: Engineering, Transportation, Fire, Public Utilities, Planning, Building Services, and Police. If comments were not received from a particular department staff assumed that the department had no requirements or objections for the project.

## ***Analysis and Findings***

### **Standards for Conditional Uses; Section 21A.54.080**

- A. **General Standard for Approval:** A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards set forth in this section. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use shall be denied.
- B. **Specific Standards:** A conditional use permit shall be approved unless the evidence presented shows that one (1) or more of the standards set forth in this subsection cannot be met. The Planning Commission, or in the case of administrative conditional uses, the Planning Director or the Director's designee, may request additional information as may be reasonably needed to determine whether the standards of this subsection can be met.

- 1. **Master Plan and Zoning Ordinance Compliance**

The proposed conditional use shall be:

- a. Consistent with any policy set forth in the City-Wide, Community, and Small Area Master plan and future land use map applicable to the site where the conditional use will be located.  
**Analysis:** The proposed conditional use is within the West Salt Lake Community Master Plan area on property designated for industrial use. The master plan general policy for industrial land use is to require mitigation actions on the part of the manufacturing uses, such as landscaped setbacks and buffering, berms, and street medians where appropriate. The proposed recycling processing center (outdoor) use is a commercial use anticipated by the Master Plan for this site.  
**Finding:** The project satisfies this standard, provided improvements are made to the existing conditions of the property, and as proposed on the site plan.
- b. Allowed by the zone where the conditional use will be located or by another applicable provision of this title.  
**Analysis:** The proposed recycling processing center (outdoor) use is allowed as a conditional use in the M-1 district.  
**Finding:** The project satisfies this standard.

## 2. Use Compatibility

The proposed conditional use shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the Planning Commission shall consider the following:

- a. Whether the street or other means of access to the site where the proposed conditional use will be located will provide access to the site without materially degrading the service level on such street or any adjacent street;  
**Analysis:** Access to the site will be from 500 South, an arterial class roadway. The streets have the carrying capacity to serve this type of use without becoming degraded.  
**Finding:** The project satisfies this standard.
- b. Whether the type of use and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected with the development of a permitted use, based on:
  - i) Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;
  - ii) Parking area locations and size, and whether parking plans are likely to encourage street side parking for the proposed use which will adversely impact the reasonable use of adjacent property;
  - iii) Hours of peak traffic to the proposed use and whether such traffic will unreasonably impair the use and enjoyment of adjacent property; and
  - iv) Hours of operation of the proposed use as compared with the hours of activity/operation of other nearby uses and whether the use, during hours of operation, will be likely to create noise, light, or other nuisances that unreasonably impair the use and enjoyment of adjacent property;**Analysis:** The project site is will utilize two driveways, each one on 500 South one will be used for entering the second for exiting. The driveways have been reviewed by the City Transportation Division and deemed adequate for the use. No detrimental impacts to the safety, purpose, or character of the streets are likely.

The existing parking lot and all required parking stalls are completely on site, which will eliminate the need or pressure for street side parking.

The likely hours of peak traffic will be similar to regular work hours the receiving truck activity typically quits around 3:30 pm allowing for two hours at the end of each day to organize the site and prepare for the next day's deliveries. This likely traffic pattern will not unreasonably impair the use and enjoyment of adjacent properties.

The proposed use will have typical hours of operation for commercial business, which hours include from approximately 5:30 AM to 5:30 PM. These hours are common for construction service businesses and often coincide with work hours of the nearby construction jobsites and offices. These hours will not likely create unreasonable noise, light, or other nuisances for adjacent properties.

**Finding:** The project satisfies this standard.

- c. Whether the internal circulation system of any development associated with the proposed use will be designed to mitigate adverse impacts on adjacent property from motorized, non-motorized and pedestrian traffic;

**Analysis:** The proposed vehicle circulation system is designed as an ingress/egress pattern, such that all vehicle traffic should move in the same direction. This pattern should provide predictability to the adjacent uses, no adverse impacts are anticipated for adjacent property.

**Finding:** The project satisfies this standard.

- d. Whether existing or proposed utility and public services will be adequate to support the proposed use at normal service levels and will be designed in a manner too void adverse impacts on adjacent land uses, public services, and utility resources;

**Analysis:** Existing utility and public services have been deemed adequate by the City's Public Utilities Department. No modifications to the existing systems have been proposed any proposed changes would require permitting and approvals.

**Finding:** The project satisfies this standard with the recommended conditions of approval.

- e. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed use; and

**Analysis:** The project design complies with landscaping, setback, and height requirements and does so without adverse impact to adjacent land uses. The proposed project perimeter landscaping meets the Ordinance requirements, upon completion of improvements and, additional improvements are required as conditions.

In order to comply with the classification of recycling processing center (outdoor), all work must be performed within the enclosed "work area". Those constraints are intended to mitigate visual and noise impacts to the adjacent properties. Lighting for the project will be located on the building and directed so as to not shine on adjacent properties. No separate parking lot lighting is proposed at this time. The location of these building mounted lights will not likely negatively impact adjacent properties.

The applicant plans to locate a dumpster in the northwest corner of the site or adjacent to the building on the south side. The dumpster will be located within the "work area" screening it from view from adjacent properties. This is not shown on the site plan and therefore is listed as a condition of approval.

**Finding:** The project satisfies this standard with the recommended conditions of approval.

- f. Whether detrimental concentration of existing non-conforming or conditional uses substantially similar to the use proposed is likely to occur, based on an inventory of uses within one quarter 1/4) mile of the exterior boundary of the subject property.

**Analysis:** Research and analyses were done to determine the concentration of existing non-conforming or conditional uses substantially similar to the use proposed within one quarter mile of the property. No detrimental concentration of similar uses was found.

**Finding:** The project satisfies this standard.

### 3. Design Compatibility

The proposed conditional use shall be compatible with the character of the area where the use will be located with respect to:

- a. Site design and location of parking lots, access ways, and delivery areas;

**Analysis:** The proposed site design is similar to the existing design and use of the property, however the proposal improves the site by incorporating the required landscaped areas and buffers.

**Finding:** The project satisfies this standard with the recommended conditions of approval.

- b. Whether the proposed use, or development associated with the use, will result in loss of privacy, objectionable views of large parking or storage areas; or views or sounds of loading and unloading areas; and

**Analysis:** The proposed development is compatible with the character of the area, which is an industrial area. The proposed use creates minimal impacts to adjacent properties. The parking lot will be buffered with perimeter landscaping compliant with City Ordinance thereby reducing the visual impact normally associated with parking lots. The "work area" will be enclosed by a site proof fence or wall mitigating any objectionable

**Finding:** The project satisfies this standard.

- c. Intensity, size, and scale of development associated with the use as compared to development and uses in the surrounding area.

**Analysis:** The proposed use will utilize the existing site and building which was used for construction material recycling in the past. The use is compatible with the surrounding area when considering the hours of operation, screening of the "work area", and the proposed landscaping for the site.

**Finding:** The project satisfies this standard.

- d. If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed-use development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in Chapter 21A.59 of this title.

**Analysis:** The proposed conditional use does not involve new construction or substantial remodeling. The existing building is currently being used for construction material recycling and is sufficient for the proposed recycling processing center (outdoor).

**Finding:** The project satisfies this standard.

### 4. Detriment to Persons or Property

The proposed conditional use shall not, under the circumstances of the particular case and any conditions imposed, be detrimental to the health, safety, and general welfare of persons, nor be injurious

to property and improvements in the community, existing surrounding uses, buildings, and structures. The proposed use shall:

- a. Not emit any known pollutant into the ground or air that will detrimentally affect the subject property or any adjacent property;  
**Analysis:** The project must comply with the requirements of the Public Utilities Department related to discharging of fluids into the sewer system. Compliance with those requirements will prevent any known pollutants from entering the ground or air that would detrimentally affect the subject property or adjacent properties. Spills of automotive fluids must be cleaned up according to federal Environmental Protection Agency standards. No detrimental effects to neighboring properties are likely.  
**Finding:** The project satisfies this standard.
- b. Not encroach on any river or stream, or direct runoff into a river or stream;  
**Analysis:** The project is not located next to a river or stream.  
**Finding:** The project satisfies this standard.
- c. Not introduce any hazard or potential for damage to an adjacent property that cannot be mitigated;  
**Analysis:** Staff is not aware of other hazards or potential for damage to adjacent properties.  
**Finding:** The project satisfies this standard.
- d. Be consistent with the type of existing uses surrounding the subject property; and  
**Analysis:** This area has developed as a heavy machinery, construction and warehouse district. There are large areas of vacant and developable land near the project area. The West Salt Lake Master Plan calls for the proper mitigating measures to buffer intrusive industrial uses.  
**Finding:** The project satisfies this standard.
- e. Improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.  
**Analysis:** The existing property has been used for automobile in the past and the proposed use will be required to upgrade the site with landscaping and site design to improve the character of the property and surrounding area; thereby encouraging investment to surrounding properties.  
**Finding:** The project satisfies this standard.

## **5. Compliance with Other Applicable Regulations**

The proposed conditional use and any associated development shall comply with any other applicable code or ordinance requirement.

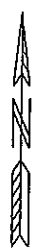
**Analysis:** All required improvements to the site and any remodeling must be reviewed and receive proper permits from the City. Through these permitting reviews compliance with all applicable code and ordinance requirements will be confirmed.

**Finding:** The project satisfies this standard.

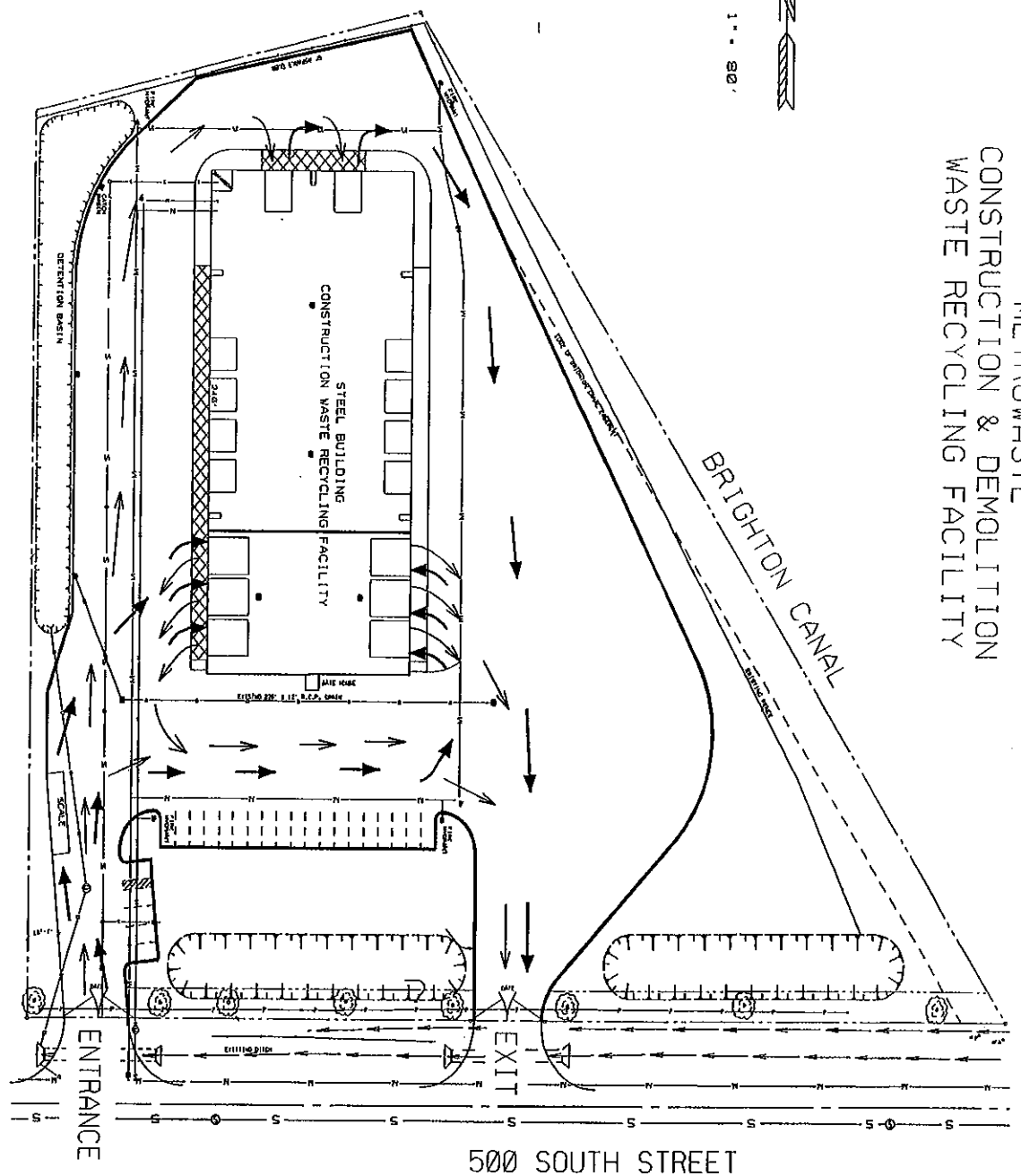


**Attachment 'A'**  
Site / Building drawings

# METROWASTE CONSTRUCTION & DEMOLITION WASTE RECYCLING FACILITY



SCALE: 1" = 80'



## LEGEND

- D — DRAIN LINE
- S — SEWER LINE
- W — WATER LINE
- TRAFFIC PATTERN (LOADED VEHICLE)
- TRAFFIC PATTERN (UNLOADED VEHICLE)

REV.		DATE	DESCRIPTION	DES BY	APP BY
PROJECT NO. 1		METRO C&D FACILITY			
DATE: 1		TRAFFIC PATTERN AND UTILITIES MAP			
DES BY	CHK BY				
APP BY					
		WASTE MANAGEMENT			
FIGURE 1		OF 1			



**DEAN L. WEBB & ASSOCIATES**

580 East 9400 South Sandy, UT 84070

**CONSULTING ENGINEERS**

(801) 576-6414 Fax: (801) 576-6424

Waste Management of Utah  
c/o Western Group Engineering  
Mark Franc, P.E.  
3683 S 4975 W  
West Haven, Utah 84401

October 7, 2008

Phone: (801) 731-1406

RE: Waste Management Facility Damaged Column Evaluation

Job#08223

Dear Mr. Franc,

At your request, we visited the Waste Management Facility at 3350 W 500 S, in Salt Lake City, Utah. We observed the damaged steel columns at two locations. The second column from the north on the east side of the building has sustained significant damage, and should be replaced to insure the structural integrity of the building. The horizontal wall purlin above an adjacent door opening has also been damaged, and should also be replaced. Another column adjacent to another door opening on the east side of the building has sustained minor damage, but not to an extent that it would require replacement.

The beam at the column to be replaced can be shored up while the column section is replaced. The new column section shall be attached to the foundation with the existing anchor bolts. The new column section shall be attached to the beam with bolts to match the existing condition. It is estimated that it will take 2 to 4 days to make the repairs, at a cost of between \$8,000 to \$15,000.

The opinions and comments contained in this Report are based primarily on the observations of the current conditions observed at the site, and the qualified knowledge and experience of this office. The Conclusions and Recommendations are based upon the conditions observed. The information contained in this Report has limited value for any purpose other than the one intended.

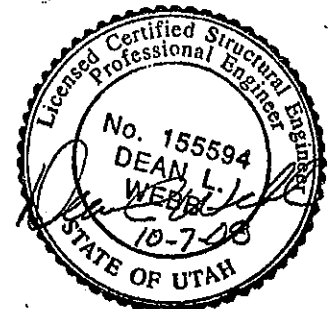
Please call with any questions regarding this project.

Sincerely,

Shawn R. Witzel, E.I.T.

Reviewed by Dean L. Webb, P.E., C.S.E.

Civil  
Structural  
Investigations  
Forensics



**Attachment 'B'**  
Photographs

**West Exposure**

Photo Taken 7/24/2004

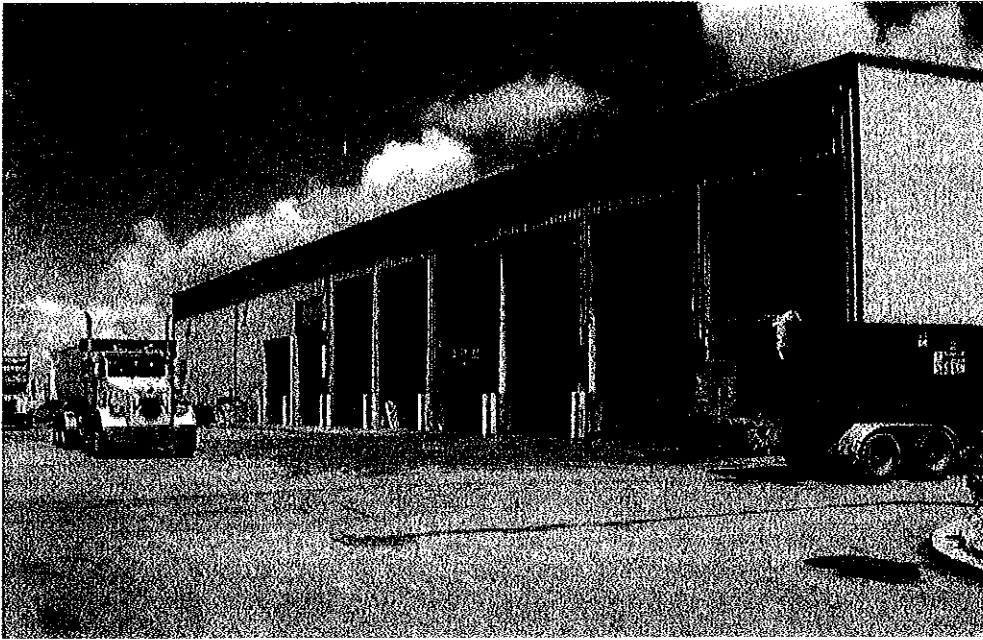


Photo Taken 10/13/2008



Overhead doors, portions of siding and support columns have been removed without permits or permission.

## East Exposure

Photo Taken 11/19/2004

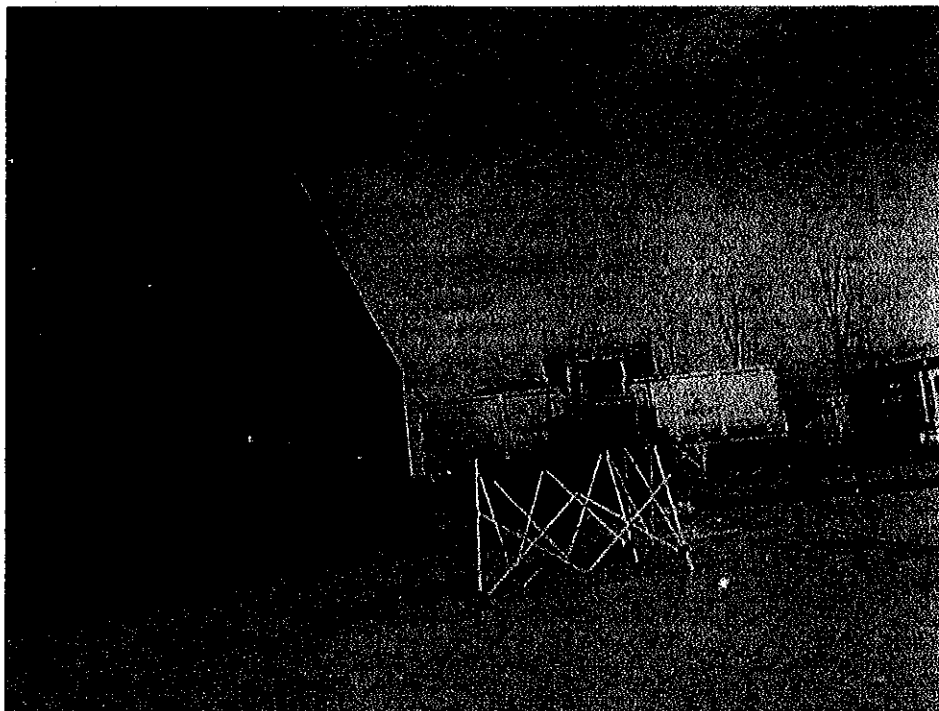
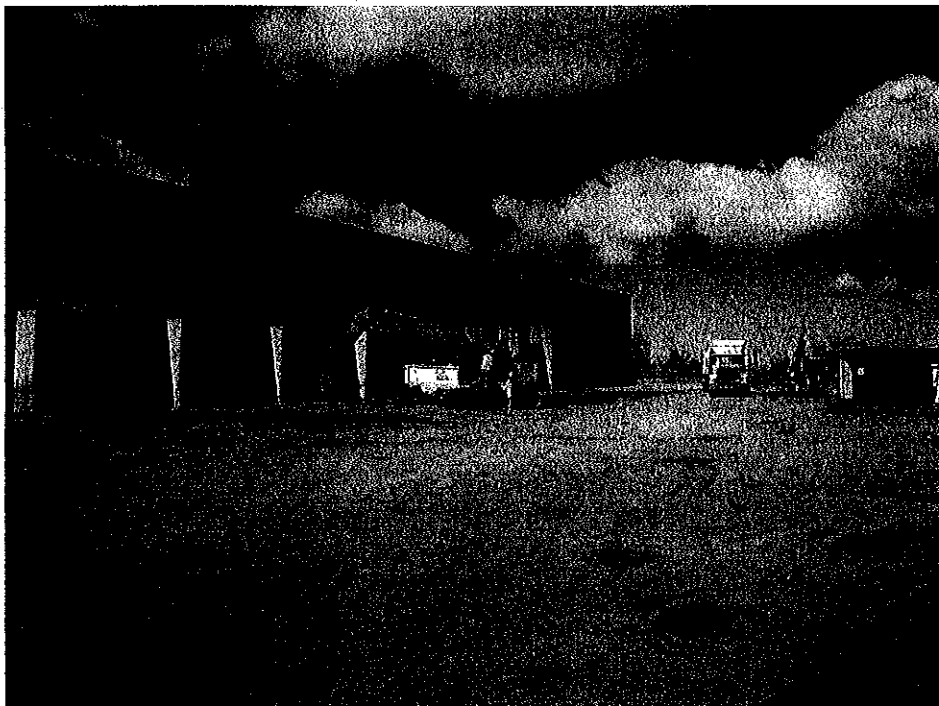
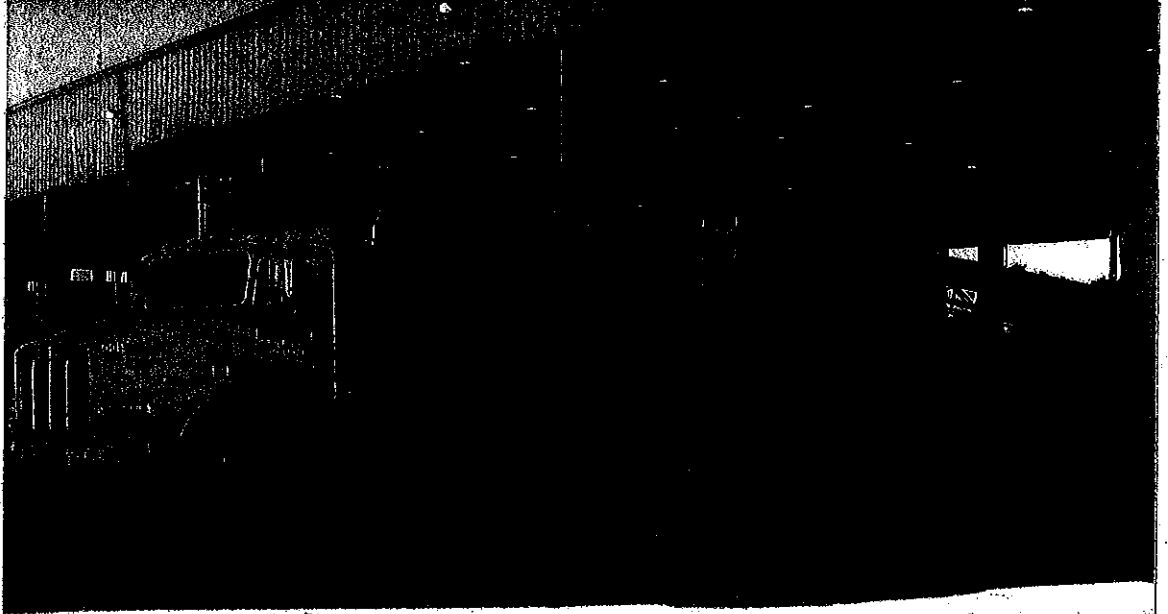
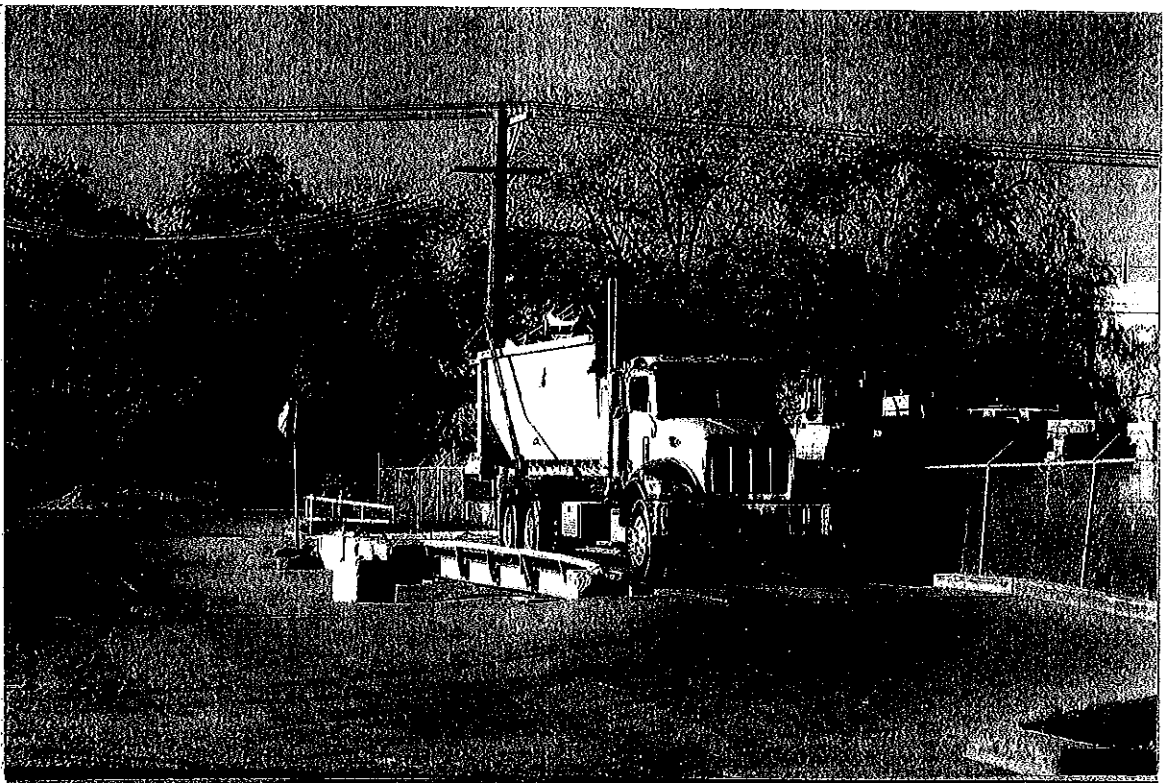
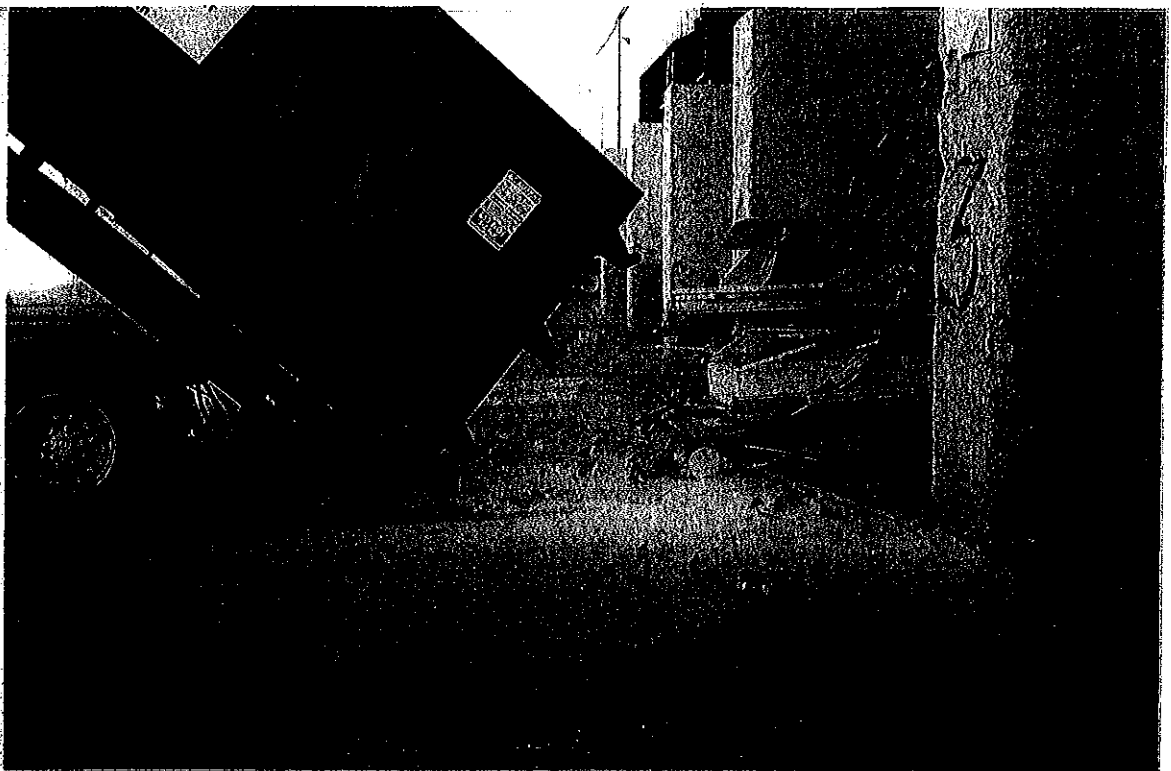


Photo Taken 10/13/2008



Paneling and doors have been removed without permission or permits.









**Attachment 'C'**  
Departmental Comments

## City Department Comments

Comments were received from the following City departments and are included below. In general, the departments had no objections or concerns with the proposed development. The departments provided specific improvements required according to their respective oversight.

- **Public Utilities (Jason Brown):** This site currently has a grease trap installed for any contaminated water runoff that is then discharged to the sewer system. Also they have installed two detector check valves feeding several fire hydrants on site. The detention pond must be maintained along with any installed storm water treatment devices. These items must remain. Any changes to the site utility or grading plan must be submitted to Public Utilities for review.
- **Engineering (Craig Smith):** have reviewed the request from Metro C&D Transfer and Recycling Facility located @3550 W 500 South, for approval of a conditional use for an outdoor recycling processing center. They appeared before DRT some time ago and were required to contain their operation indoors. At that time, Engineering required them to obtain an SID Waiver regarding the improvements within the public way, meaning they were not required to do any improvements on 500 south, with the understanding their company relinquished their right to protest when the time came for the improvements to be performed. In addition, they dedicated a portion of their frontage to the city for the future widening of 500 south (whenever that occurs).

One of my main concerns that should be addressed at this time however, is that no trucks delivering to their site be allowed to stage on 500 south waiting in tangency to enter the site. This will not be allowed, and will be enforced. I know this is more of a transportation issue, and I just thought it a good time for Engineering to make this point expressly clear.

- **Transportation (Barry Walsh):** The proposed conditional use from indoor recycling to outdoor processing indicates no change or impact to the public transportation corridor on 500 West roadway.
- **Fire (Ted Itchon):**
- **Building Services (Alan Michelson):** I have reviewed the proposal for the Metro C&D solid waste transfer and outdoor recycling facility submitted by Waste Management of Utah. This facility was originally constructed in 2002, as a solid waste transfer facility. At the time a Certificate of Occupancy was issued this facility met the current development standards outlined in Title 21A. However, due to use from heavy equipment, lack of maintenance and the intensification of use that resulted in the current enforcement case, the landscaping, parking and hard-surfacing, provided by the original building permit activity, have fallen into disrepair.
- In order to re-establish and maintain previously required zoning provisions and to mitigate any adverse impact to surrounding neighbors or adjacent land uses the Building Services Division recommends consideration of the following conditions:
  1. Provide a solid sight-proof wall or fence and gate enclosure around the entire outdoor recycling and outdoor storage area not less than 7 feet or more than 10 feet in height as per 21A.28.010.B. Outdoor storage shall not be stacked higher than the fence. Fences or walls exceeding 6 feet in height require structural engineering.
  2. Restore, provide and maintain parking lot landscaping in the amount specified in 21A.48.070.
  3. Provide, restore and maintain all driveways, parking and maneuvering areas as hard-surfaced areas as per 21A.44.020.F.
  4. Clearly define parking areas by striping and 6 inch curb separations along abutting landscape areas.
  5. Restore, provide and maintain the 15 feet front yard setback.
  6. Provide parking calculations for each principle land use a require by Table 21A.44.060.F
  7. Provide ADA parking.

**Attachment 'D'**  
Public Comments

## Walkingshaw, Nole

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**From:** jaybob@chem.utah.edu  
**Sent:** Wednesday, January 14, 2009 9:33 AM  
**To:** Walkingshaw, Nole  
**Subject:** Recycle Petition #410-08-55

Nole,

This email is in response of our concerns about the new Recycle Ordinance zone. The people on the Whole Westside of the Wasatch Front are concerned about the types of businesses this will bring into their Communities which will further pollute an already polluted environment. I can't believe the State of Utah and SLC Corporation are aiding and abetting in shoving this down the peoples throats. It seems that the State and a select few of these businesses will benefit from this while, the Communities will see further pollution which will result in more health issues such as Asthma, Cancer, respiratory diseases etc. I cannot believe what the Recycler's say when they say "We are a clean business and do not pollute" there is always some way they pollute be it hauling leftover residue to the Landfill or releasing it into the air through smokestacks. We from the Community of Glendale have just about had enough of these businesses and want to have them come before our Council and explain their operations and let us vote on whether we want them in our communities. I speak for the whole Wasatch Front Westside in my last statement.

I think it is time that the people in communities this effects have a right to have a say in what comes into their communities.

This e-mail represents our position regarding this petition as well as the Recycle Zone Ordinance, it should be looked at again and changed. By changed I mean moved elsewhere as far away from any city or residential areas.

We as a Community Council vote NO to this whole zone and any petitions.

Jay Ingleby  
First Vice-chair  
Representing Glendale Community Council

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This message has been scanned for viruses and dangerous content by MailScanner, and is believed to be clean.

**Attachment 'E'**  
Enforcement Records

**SALT LAKE CITY CORPORATION  
PLANNING DIVISION  
HOUSING & ZONING ENFORCEMENT  
451 South State Street, Room 406  
P. O. Box 145481  
Salt Lake City, Utah 84114-5481**

**NOTICE OF ZONING VIOLATION LAST WARNING**

**To:** Waste Management  
c/o Ed Britt  
3550 West 500 South  
Salt Lake City, Utah 84104

**Issue Date:** June 16, 2008  
**Cert Mail No.:** 7005 0390 0000 0440 5133

**Re:** Property located at 3588 West 500 South, Salt Lake City, Utah  
Sidwell Number: 15-05-402-013 Citation No.: 192089

**NOTICE:** Notice is hereby given that the subject was found to be in violation of Title 21A of the Salt Lake City Code which was enacted to maintain the life, health, safety and general welfare of the inhabitants of Salt Lake City.

**Ordinance Reference**

**Description of Violation**

21A.40.140

It is unlawful to permit the outdoor storage of inoperable, unused or unlicensed vehicles, vehicle parts, appliances, interior furniture, discarded building materials, landscape debris; or other spent and useless items commonly known as junk unless the premises is licensed for such use.

21A.28.040

An outdoor recycling processing center is not allowed in a M-1 district. All recycling activities are to be done indoors only.

**Penalties:** Pursuant to Section 21A.20.050 & 21A.20.080 of the Salt Lake City Code, commencing on June 23, 2008, a fine of \$200.00 per day per parcel (address) will be levied against the owner(s) of this property until the violation(s) are corrected.

**CIVIL ACTION:** If the penalties imposed remain unsatisfied after seventy (70) days from the receipt of the Notice and Order, or when the penalty amounts to Five Thousand Dollars (\$5,000), the City may use such lawful means as are available, such as the Small Claims Court, to collect such penalty, including court costs and attorney's fees. Commencement of any action to correct the violation shall not relieve the person cited of the responsibility to make payment of subsequent accrued civil penalties, nor shall it require the City to reissue any of the Notices required by Title 21A. If you need to contact me, I can be reached between 7:00 - 9:30 a.m. or 4:30 - 5:00 p.m., Monday through Thursday. Please call 535-6439 to schedule an inspection IMMEDIATELY when the required work is completed. This will stop the accrual of any fines.

IN COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA), THE FOLLOWING INFORMATION IS PROVIDED: FAX NUMBER (801) 535-6174, TDD NUMBER (801) 535-6220.

  
Gary Rigler, Housing/Zoning Officer, 535-6439

**SALT LAKE CITY CORPORATION  
PLANNING DIVISION  
HOUSING & ZONING ENFORCEMENT  
451 South State Street, Room 406  
P. O. Box 145481  
Salt Lake City, Utah 84114-5481**

To: Waste Management  
c/o Ed Britt  
3550 West 500 South  
Salt Lake City, Utah 84104

Issued Date: June 4, 2008  
Cert. Mail No.: 7005 0390 0000 0440 5126

## **NOTICE AND ORDER-CIVIL**

Re: Property located at 3588 West 500 South, Salt Lake City, Utah  
Sidwell Number: 15-05-402-013 Citation No.: 192089

**NOTICE:** Notice is hereby given that the subject property was found to be in violation of Title 21A of the Salt Lake City Code which was enacted to maintain the life, health, safety and general welfare of the inhabitants of Salt Lake City. This Notice is pursuant to an inspection which was conducted on June 3, 2008, which discovered the following violations:

<u>Ordinance reference</u>	<u>Description of Violation</u>	<u>Daily Fine</u>
21A.40.140	It is unlawful to permit the outdoor storage of inoperable, unused or unlicensed vehicles, vehicle parts, appliances, interior furniture, discarded building materials, landscape debris; or other spent and useless items commonly known as junk unless the premises is licensed for such use.	\$100 per day
21A.28.040	An outdoor recycling processing center is not allowed in a M-1 district. All recycling activities are to be done indoors only.	\$100 per day

**ORDER:** You are hereby ordered to cure the zoning violations within **fourteen calendar (14) days** from the date of this Notice and Order. **IF YOU FAIL TO OBEY THIS ORDER WITHIN THE ALLOTTED TIME, THIS DEPARTMENT WILL TAKE THE FOLLOWING ACTIONS:**

- File a Certificate of Noncompliance to be recorded against the property,
- Initiate Salt Lake City Ordinance Title 21A.20.050 civil penalties provision for violation of zoning regulations.

**APPEAL PROCESS:** Any person having any record, title, or legal interest in this property may contest the legitimacy of the zoning violations for which they were cited (but not the amount of the fine). An appeal may be filed with the Salt Lake City Board of Adjustment within 30 days from the date of this notice. The appeal form "Appeal of Administrative Decision," may be obtained in room 215 of the City & County Building, 451 South State Street. The fee for filing an appeal is \$200.00.

**CIVIL ACTION:** If the penalties imposed remain unsatisfied after seventy days (70) from the receipt of this notice, or when the penalty amounts to Five Thousand Dollars (\$5,000), the City may use such lawful means as are available, such as the Small Claims Court, to collect such penalty, including court costs and attorneys' fees. Commencement of any action to correct the violation shall not relieve the person cited of the responsibility to make payment of subsequent accrued civil penalties, nor shall it require the City to reissue any of the Notices required by Title 21A.

**TIME EXTENSIONS, MAY BE GRANTED BY THE HOUSING OFFICER. ALL REQUESTS FOR TIME EXTENSIONS MUST BE IN WRITING AND MUST BE RECEIVED PRIOR TO THE 14-DAY DEADLINE. PLEASE CALL 535-6439 TO SCHEDULE AN INSPECTION IMMEDIATELY WHEN THE REQUIRED WORK IS COMPLETE. THIS WILL STOP THE ACCRUAL OF ANY FINES. If you need to contact me, I can be reached between 7:00 - 9:30 a.m. or 4:30 - 5:00 p.m., Monday through Thursday.**

IN COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT (ADA), THE FOLLOWING INFORMATION IS PROVIDED: FAX NUMBER (801) 535-6174, TDD NUMBER (801) 535-6220.

  
\_\_\_\_\_  
Gary Rigler, Housing/Zoning Officer, 535-6439



PLANNING DIVISION  
HOUSING & ZONING ENFORCEMENT  
451 South State Street, Room 406  
PO Box 145481  
Salt Lake City, Utah 84114-5481

**AFFIDAVIT**

Address of Subject: 3550 WEST 500 SOUTH Salt Lake City, Utah

**NOTICE AND ORDER POSTED**

I HEREBY CERTIFY that I executed the posting of the Notice and Order in the following manner  
on \_\_\_\_\_ 2008.

Affixed to front door.

**NOTICE and ORDER SERVED**

I HEREBY CERTIFY that on the 4th day of JUNE 2008, the attached Notice  
and Order was served at the time of 11:30. The method of personal service was as follows.  
~~Taped to door~~

Name of person served: ED BRITT  
Connection of person with the property: MANAGER  
Address/location of personal service: 3550 WEST 500 SOUTH

**NOTICE AND ORDER SENT**

I HEREBY CERTIFY that on JUNE 4, 2008 the attached Notice and Order was sent  
by certified mail with return receipt requested to:

GARY RIGLER  
Planning & Zoning Department  
451 South State Street, Room 406  
Salt Lake City, Utah 84111

Gary Rigler  
Gary Rigler, Housing/Zoning Officer

STATE OF UTAH                     )  
  )ss  
COUNTY OF SALT LAKE        )

On this 5th day of JUNE, 2008, personally appeared before me, Phil  
Boeth, Housing/Zoning Officer of Salt Lake City, Utah, who acknowledged that he signed that  
above certificate and that the statements contained therein are true.

Diana L. Hansen  
Notary Public, Salt Lake City, Utah

