PLANNING COMMISSION STAFF REPORT ADMINISTRATIVE ITEM

Renegade Oil Conditional Use PLNPCM2011-00045 1141 South 3200 West 13 April 2011



Planning Division Department of Community and Economic Development

Applicant: Gerald Pezely, Owner

Staff: John Anderson, 535-7214, john.anderson@slcgove.com

Tax ID: 15-09-301-002

Current Zone: M-1

Master Plan Designation: West Salt Lake Master Plan Industrial

<u>Council District:</u> Council District 2, Van Turner

Community Council: Glendale

Lot Size: 1.27 acres

Current Use: Industrial

Applicable Land Use Regulations:

- Chapter 21.28
- Section 21A.54.080

Attachments:

- A. Site Plan & Elevation Drawings.
- B. Photographs
- C. Additional Applicant Information

Request

The applicant, Gerald Pezely, is the owner of Renegade Oil Inc. and is requesting conditional use approval for improvements to his existing solid waste transfer station located at 1141 South 3200 West. The parcel is in the M-1 (Light Manufacturing) District. Conditional use approval is required because the requested use, a solid waste transfer station, is a conditional use in the M-1 district. The Planning Commission is the final decision-making authority for conditional uses.

Recommendation

Based on the analysis and findings, the Planning Staff recommends the Planning Commission approve the conditional use approval for a solid waste transfer station at 1141 South 3200 West be granted subject to the following conditions:

1. Review is required from the State of Utah's Division of Solid and Hazardous Waste and the Salt Lake Valley Health Department as indicated by Salt Lake City's Environmental Performance Standards in Section 21A.36.180 of the Zoning Ordinance.

Recommended Motion

Based on the findings listed in the staff report and the testimony heard, I move that the Planning Commission approve the proposed expansion of the conditional use for a solid waste transfer station with the following condition:

 Review is required from the State of Utah's Division of Solid and Hazardous Waste and the Salt Lake Valley Health Department as indicated by Salt Lake City's Environmental Performance Standards in Section 21A.36.180 of the Zoning Ordinance prior to the issuance of a permit.

VICINITY MAP



Background

Project Description

The proposed development consists of facilities to intake and process liquid and solid wastes from carwashes, drainage basins, and restaurants. Solid wastes are dried on an outdoor concrete bed and then hauled off site to a landfill. Liquid wastes are stored in indoor tanks and processed within the building; solids are then hauled off-site and liquids are discharged into the sanitary sewer system. Grease is processed indoors, recycled and sold and transported off-site.

Project Details

| Regulation | Zone Regulation | Proposal |
|---------------------------|------------------|---|
| Use | Light Industrial | Light Industrial |
| Density/Lot Coverage | N/A | N/A |
| Height | 65 feet | 6 feet |
| Front/Corner Yard Setback | 15 feet | Proposal is for a new tank on the property to be located |

PLNPCM2011-00045 Renegade Oil Conditional Use

| | | completely in the rear yard. There will be no work completed within or near the required front yard setback. |
|-------------------|------|---|
| Rear Yard Setback | None | 3 feet from rear property line. |
| Side Yard Setback | none | 3 feet from south side property line and located 122 feet from the north property line. |

Public Notice, Meetings and Comments

The applicable application information and a request for comment was sent to the Glendale Community Council on 14 February 2011. No response was received. No comments have been received from the public regarding this proposal.

Notice of the public hearing for the proposal includes:

- Public hearing notice mailed on 4 April 2011.
- Public hearing notice posted on property on 31 March 2011.
- Public hearing notice posted on City and State websites on _____.
- Public hearing notice emailed to the Planning Division list serve on _____.

City Department Comments

The comments received from pertinent City Departments / Divisions are attached to this staff report in Attachment C. The Planning Division has not received comments from the applicable City Departments / Divisions that cannot reasonably be fulfilled or that warrant denial of the petition.

Police Review

No comments

Public Utilities—Justin Stoker (801)483-6786

No comments

Zoning Review—Alan Hardman (801)535-7742

This proposal was reviewed by the Development Review Team on January 3, 2011. The two major issues discussed were Conditional Use approval from Planning Commission and Public Utilities approval.

Transportation Review—Barry Walsh (801)535-6630

The division of transportation review comments and recommendations are for approval as follows: Per our DRT review 01/03/2011 for a "Transfer pad" (recycle grease interceptor waste from truck to tank) we found no impact to the existing parking or traffic circulation, and no intensification to the site functions.

Engineering Review- Scott Weiler (801)535-6159

No comments.

Fire Review No comments

Analysis and Findings

Findings

21A.54.080 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, and
 - b. Allowed by the zone where the conditional use will be located or by another applicable provision of this title.

Analysis: The *West Salt Lake Community Master Plan*'s future land use map provides direction on the future development in the area where the subject parcel is found. Specifically, the subject property is designated with a future land use of "industrial." The proposed use is consistent with this master plan and is conditionally permitted in the M-1 zoning district.

Finding: The proposed expansion of an existing conditional use does fit within the description noted in the *West Salt Lake Community Master Plan*.

- 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:
 - 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;
 - 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;

- 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;
- 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 to avoid adverse impacts on adjacent land uses, public services, and utility resources;
- 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
- 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: The subject parcel is located in a heavily industrialized area with all adjacent properties also located in the M-1 Light Manufacturing District. To the south runs a large high voltage power line owned by Rocky Mountain Power; the property below the power line is currently being used for outdoor storage. Other adjacent properties have been developed with various industrial or manufacturing related uses. The subject property is entirely fenced.

Access to the site will be via 3200 West which has a direct connection to California Avenue which has been designated as an arterial street in the Transportation Master Plan. The proposed expansion of the existing waste transfer station is rather minor in nature and as indicated by the Transportation Division, there would be no foreseeable impact on the service levels of any surrounding roads, and the parking lot as designed will continue to function adequately.

Public Utilities has reviewed and approved the proposed site plan and has not indicated any deficiencies with the utilities that will continue to serve the site.

Finally, because a majority of the parcels within a quarter mile radius are vacant or have been developed in various manufacturing and industrial uses and because there have been no zoning enforcement cases filed against the existing company, staff is of the opinion that there is no evidence of an existing "detrimental concentration of existing non-conforming or conditional uses," nor evidence that this is likely to occur.

Finding: The existing use and its proposed expansion is compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located.

- **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;
 - 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

- c. Intensity, size, and scale of development associated with the use as compared to development and uses in the surrounding area.
- d. If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed-used 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 site includes a mason block building that is 8,000 square feet in size. There is also an existing garage in the northeast corner of the property similar to the main front building that is 1,886 square feet. There is also an existing tank farm and an existing tank. The proposed expansion would add another tank that is approximately 1,138 square feet. The tank is a concrete bed that will be used for the processing of solid waste materials.

Finding: The proposed site design, building design, intensity and scale of the proposed expansion are consistent with the regulations of the M-1 zoning district and with the development of the current site and compatible with the surrounding parcels.

- 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;
 - b. Not encroach on any river or stream, or direct runoff into a river or stream;
 - c. Not introduce any hazard or potential for damage to an adjacent property that cannot be mitigated;
 - d. Be consistent with the type of existing uses surrounding the subject property; and
 - e. Improve the character of the area by encouraging reinvestment and upgrading of surrounding properties.

Analysis: There is no direct evidence that the proposed use will emit any known pollutant into the ground or air that will detrimentally affect the subject property or neighboring properties. Nor is there any evidence that the use will encroach on or direct runoff into any river or stream as there are none located adjacent to the property. The concrete bed is sloped so that materials would drain to a catch basin at the end of the bed; all other materials would be stored in tanks.

As indicated in Section 21A.36.180 of the Zoning Ordinance, Salt Lake City has certain environmental performance standards that must be met. As a condition of approval, the applicant would be required to demonstrate to the Planning Division that the proposed use has been reviewed and approved by both the Salt Lake Valley Health Department and the State of Utah Division of Solid and Hazardous Waste as required for "toxic substances" prior to the issuance of any permits.

Finding: The use requested is generally consistent with the surrounding uses, which are predominately manufacturing, truck freight terminals and outdoor storage-oriented.

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: The applicant must demonstrate to staff, as a condition of approval, that the proposal has been reviewed, or does not require review, from both the Salt Lake Valley Health Department and the State of Utah Division of Solid and Hazardous Waste prior to the issuances of any permits.

Finding: Proposal will be compliant with all other applicable regulations after completing all conditions of approval.

Board/Commission Options

If the conditional use is approved the applicant may then proceed to submit an application for a building permit to construct the new tank. Any conditions listed in the Planning Commission's motion would be applicable prior to the issuance of a building permit.

If the conditional use for the proposed expansion is denied, the business as it currently exists would be able to continue to operate as they have in the past. The applicant has applied for an expansion of 1.140 square feet to his business which occupies the 1.27 acre parcel. The applicant could potentially apply to build a smaller expansion of the business and if it is less than 1,000 square feet a new conditional use approval would not be required.

Potential Motions

The motion recommended by the Planning Division is located on the cover page of this staff report. The recommendation is based on the above analysis. Conditional uses are administrative items that are regulated by State Law as well as City Ordinance. State law *10-9a-507 Conditional Uses* states that "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." 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 may be denied. If the Planning Commission determines that this is the case, then the Planning Commission must make findings related to specific standards, identify the reasonably anticipated detrimental effects, and find that the detrimental effects cannot be reasonably mitigated. Below is a potential motion that may be used in cases where the Planning Commission determines a conditional use should be denied.

Not Consistent with Staff Recommendation: Based on the testimony, plans presented and the following findings, I move that the Planning Commission deny the conditional use to allow a solid waste transfer station, located at 1141 South 3200 West. The proposed conditional use will create (list the detrimental effects) which cannot be reasonably mitigated. Therefore, the proposed conditional use is not compliant with the following standards:

- 1. Compliant with Master Plan and Zoning Ordinance.
- 2. Compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located.
- 3. Compatible with the character of the area where the use will be located

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

Attachment A Site Plan and Elevation Drawings



PLNPCM2011-00045 Renegade Oil Conditional Use







Looking at the main building which is located on the east side of 3200 West.



Looking towards the rear of the parcel where the proposed expansion would be located.

Attachment C Additional Applicant Information

Renegade

1141 South 3200 West Salt Lake City, Utah 84104 801-973-7912 Plant 801-277-3675 <u>j pezely@hotmail.com</u> <u>dbrunett@comcast.net</u>

Salt Lake City Planning Commission Salt Lake City Buzz Center PO Box 145471 451 South State Street, Room 215 Salt Lake City, UT 84111

Dear Planning Commission Members:

This letter is provided in connection with Renegade Oil, Inc.'s Application for Conditional Use filed herewith. The intent of this letter is to provide additional information regarding the project and the Company's existing operations.

The Company's principal operations are located at 1141 South 3200 West, Salt Lake City, Utah 84104. The Company has been operating at the Property since approximately 1990. The Company's principal operations and activities include, collecting, processing and converting liquid and semi-liquid waste and byproducts from local restaurants, car washes, automotive repair shops and other local businesses, including without limitation, used cooking oil and car wash residue. The Company resells the processed materials in various forms and disposes of the remaining waste water.

The proposed project, as set forth in the Application, is a complimentary and incremental continuation of the services currently provided by the Company. The project will not require additional employees or an extension of business hours. The Company's current employees have the capacity and expertise to perform the incremental services required. The physical build-out of the project is minor in relation to the Company's current operations and is estimated at 1,100 square feet. The Build-Out would permit the Company to separate used car wash water from certain car wash residue onsite and would streamline the Company's current business operations.

The construction permit for the Build-Out and related activities was approved by the Utah Department of Environmental Quality on January 13, 2011 and the Company is eager to complete the Build-Out.

Should you have any questions regarding this letter and the Application please feel free to contact me.

Very truly yours,

Gerald W. Pezely, President

SLC 785705

February 8, 2011



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| | ess of Subject Property: 1141 South 3200 West | + SALTLAKE City Utah 841 |
|---|--|--|
| Proje | CT Name: RENG JADE DIL TRANSFER Station |) |
| Name | Of Applicant ReNUSADE DIL INC | Phone: 801-973-7912 |
| Addro E-ma Name E-ma | ess of Applicant: 1141 South 3200 West SUCUt | |
| E-ma | il Address of Applicant: J _ Rizely AT Hot Mail . Com | Cell/Fax: 801-277-3675 |
| Name | e of Property Owner: GeraLD Rezely | Phone: 801-520-3567 |
| 1000 | il Address of Property Owner: | Cell/Fax: 801-277-3675 |
| Coun Parce Type Exist | ty Tax ("Sidwell #"): 15-09-301-002-000 D | Zoning: M-/ |
| Parce | ol Area: | |
| Туре | of Modification Requested: | |
| Exist | ing Property Use: | Proposed Property Use |
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| Pleas | e include with the application: | |
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Conditional Use

PLNPCM2011-00045 OFFICE USE ONLY

OFFICE USE Petition No.: Date Received: 2/7/2011 Reviewed By: Thomas Irven



State of Utah

GARY R. HERBERT Governor

GREG BELL Lieutenant Governor

January 13, 2011

Renegade Transfer Pit Attention: Jerry Pezely 1141 South 3200 West Salt Lake City, UT 84104

Dear Mr. Pezely:

1

Subject: Construction Permit, Renegade Transfer Pit

On December 13, 2010, the Division of Water Quality (DWQ) received engineering plans and specifications prepared by Douglas Farley of Farley Engineering Inc. for the construction of a new concrete transfer pit. On that same day, Doug Farley and Jerry Pezely met with DWQ engineer Woodrow Campbell to go over the plans and specifications for the new transfer pit. Several changes to the plans and specifications were requested during this review process and the plans and specifications were resubmitted on December 16, 2010.

Below is a summary of the proposed construction projects:

- Concrete Transfer Pit with sloped floor and six-foot walls to contain all liquids and solids.
- A Concrete Secondary Containment Pad for the placement of a holding tank.

The original plans submitted on December 13, 2010 included the following:

Department of

Environmental Quality

Amanda Smith

Executive Director

DIVISION OF WATER OUALITY

Walter L. Baker, P.E.

Director

- Gill 33 Superbond; A liquid, micro-silica based admixture to produce concrete that is non-shrink, develops high early strength, increases the density and specific gravity, and reduces voids in the concrete, significantly lowering permeability and
- A 60 to 80 mil thick Sauereisen 381 eurothane coating system.

The plans resubmitted on December 16, 2010 had the following changes:

- The Gill 33 Superbond has been replaced by an admixture "Anti-Hydro" Waterproof concrete. The Anti-Hydro admixture increases the early and ultimate strength, reduces shrinkage, and is a much more dense concrete.
- The eurothane coating has been removed and the joints will be sealed with Sauereisen Elastomeric Joint Compound No. 69. In the future, the concrete may still be coated with the eurothane.

195 North 1950 West • Salt Lake City, UT Mailing Address: P.O. Box 144870 • Salt Lake City, UT 84114-4870 Telephone (801) 536-4300 • Fax (801) 536-4301 • T.D.D. (801) 536-4414 *www.deg.utah.gov* Printed on 100% recycled paper Water Quality Board Jay I. Olsen, Chair Paula Doughty, Vice-Chair Myron E. Bateman David F. Echols Merritt K. Frey Darrell H. Mensel Leland J. Myers Neal L. Peacock Amanda Smith Gregory L. Rowley Steven P. Simpson Daniel C. Snarr Walter L. Baker Executive Secretary Mr. Jerry Pezely January 13, 2011 Page 2

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The plans and specifications, as submitted, comply with the Utah Water Quality Rules, (R317, Utah Administrative Code). A Construction Permit is hereby issued as constituted by this letter, subject to the following conditions:

> Any revisions or modifications to the approved plans and specifications must be submitted to DWQ for review and approval, before construction or implementation thereof. Please submit any changes for review and approval directly to Woodrow Campbell, P.E., of the DWQ Ground Water Protection Section.

- A written operations and maintenance manual, containing a description of the functioning of the facilities, an outline of routine maintenance procedures, and all checklists and maintenance logs needed for proper operation of the system, must be submitted and approved before the final inspection and operation of the system.
- The approved facilities must not be placed in service unless DWQ has conducted a final inspection, reviewed and approved the As-Built Construction Certification Report, and provided written authorization to place the constructed facilities in service.
- 4

Placement of the "Anti-Hydro" admixture and the Sauereisen Elastomeric Joint Compound No. 69 will be in accordance to the manufacture recommendations including the temperature requirements.

The plans and specifications for this project must be stamped and signed by a Professional Engineer currently licensed to practice in the state of Utah. The construction design, inspection supervision, and written construction certification of all work associated with this Construction Permit must be performed by a Professional Engineer licensed to practice in the state of Utah.

This Construction Permit will expire one year from the date of its issuance, as evidenced by the date of this letter, unless substantial progress is made in constructing the approved facilities or the plans and specifications have been resubmitted and the construction permit is reissued. This permit does not relieve you, in any way, of your obligations to comply with other applicable local requirements.

Please contact Mr. Campbell at the beginning of construction to allow periodic inspections to be scheduled. Upon completion of the project, a final inspection and approval of the As-Built Construction Certification Report is required before the approval to operate the completed facilities can be issued. Please remain in contact with Mr. Campbell to schedule the final inspection. The Construction Certification Report with final as-built drawings must include test results for the following construction quality assurance and quality control (CQA/QC) elements:

Soil Subgrade

- Proctor Curves,
- Soil Classification,
- Field Compaction Testing, and
- Subgrade Acceptance Certification.

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Concrete

- Concrete Mix Verification including "Anti-Hydro" Concrete Additive,
- · Concrete ASTM Testing Method, Frequency, and Results,
- Concrete Testing Pass/Fail Criteria,
- Reinforcing Steel, and
- Crack Inspection and Repair.

Joint Sealing

• Seal and joints with Sauereisen Elastomeric Joint Compound No. 69.

If we can be of further assistance, please contact Mr. Woodrow Campbell at <u>wwcampbell@utah.gov</u> or (801) 536-4353.

Sincerely,

UTAH WATER QUALITY BOARD

Enclosures

LAL/WWC:mc

cc:

Farley Engineering Inc., 2225 East Murray Holladay Road, Suite 206, Holladay, UT 84117

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Leah Ann Lamb Acting Executive Secretary