

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**August 23, 2017**

The meeting was called to order at 4:00 p.m. by Chair Meaders at 3600 Constitution Blvd., West Valley City, Utah.

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Brent Fuller, Mathew Lovato, David McEwen, Clover Meaders, Darrick Porter, Martell Winters, Cindy Wood, and Harold Woodruff

**WEST VALLEY CITY PLANNING DIVISION STAFF**

Brock Anderson, Steve Lehman, and Brenda Turnblom

**WEST VALLEY CITY LEGAL DEPARTMENT**

Brandon Hill

**AUDIENCE**

There were 12 people present in the audience.

**M-2-2017**

**Pham Retail Landscaping Modification**

**3974 W 4100 S**

**C-1 Zone (0.66 Acres)**

The applicant, Thang Pham, is requesting modifications to the requirements of Section 7-10-103 of Title 7, Landscaping Standards Applicable to All High-Image Arterials. The zoning for the property is C-1, Neighborhood Commercial. The surrounding zoning is RM to the north and south, RB to the east and C-1 to the West. Adjacent land uses include a convenience store, dental and professional offices and multi-unit residential.

This property received conditional use approval for a multi-tenant commercial building in 2012 (C-10-2012) and the building was completed in 2015. Earlier this year the City widened 4100 South adjacent to this property. The 20-foot wide landscaped buffer, which is required by Title 7 (7-10-103(1)), is now only 10 feet wide. The Planning Commission can grant a modification to the landscaped buffer requirement if the property owner can demonstrate that compliance would necessitate “elimination of improvements required by other ordinances which could not be relocated elsewhere on the site” (7-10-104(1)(b)). The applicant is requesting to keep the 10-foot landscaped buffer, as expanding the buffer to 20 feet would impact 16 out of the 30 parking stalls on the property.

Since the parking area is adjacent to the road, Title 7 also requires the landscaped buffer to have a berm with a minimum elevation of three feet above the parking lot grade (7-9-112(1)). It could be difficult to make the three-foot berm work in the narrower landscaped area, so the applicant is requesting not to do the berm. Staff suggests that if the Commission decides not to require the berm that some other screening method be used. The applicant would also like to install water efficient landscaping and is requesting that the 50% grass requirement be waived. Regardless, the landscaped area along 4100 South shall have 6 trees, 4 shrubs per tree and include 50% live plant material.

### **Staff Alternatives**

**Approval.** The landscaped buffer on 4100 South can be reduced to 10 feet wide and does not need to include 50% grass, but shall meet all other landscaping requirements of Title 7. If rock is used there shall be at least two boulders per tree and a variety of rock mulch (colors or sizes, but not less than 2 ½” diameter) shall be incorporated in the buffer. One of the following screening methods shall also be used: a 3’ high masonry screen wall or shrubs to create a hedge.

**Continuance,** for reasons determined at the hearing.

**Denial.** All requirements of Title 7 shall be met.

**Discussion:** Commissioner Lovato agrees with using a hedgerow as long as it provides continuous screening. Commissioner Winters feels a hedgerow is more attractive than a berm.

**Motion:** Commissioner McEwen moved to approve M-2-2017, striking the alternative for a masonry screen wall.

Commissioner Lovato seconded the motion.

#### **Vote:**

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Chair Meaders	Yes
Commissioner Porter	Yes
Commissioner Winters	Yes
Commissioner Wood	Yes
Commissioner Woodruff	Yes

**Unanimous – M-2-2017 – Approved**

**S-13-2017**  
**Brundle Acres Subdivision**  
**Dave Waldron**  
**RE Zone**  
**7 Lots**  
**3.25 Acres**

## **BACKGROUND**

Dave Waldron, representing the property owner, is requesting preliminary subdivision approval for the Brundle Acres Subdivision. The subject property was rezoned in June 2017 from the A zone to the RE zone. A development agreement was reviewed and approved as part of the rezone process.

The proposed subdivision is bordered on the north by the Sunrise Pointe Phase 2 Subdivision, the east by the Mount Calvary Family Worship Center, the south by 3100 South and the west by property zoned A.

## **STAFF/AGENCY COMMENTS:**

### Public Works Department:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.
- Follow recommendations outlined in the geotechnical and fault study reports.
- Will need to coordinate storm water issues.
- Revisions to plat required.
- Will need to address the centerline curve of the street connecting with Sunrise Point Drive.
- Determine what happens to Parcel A.

### Building Division:

- Follow recommendations outlined in the geotechnical and fault study reports.

### Utility Companies:

- Standard Utility Easements required.

### Granger Hunter Improvement District:

- Project is subject to all GHID requirements and design standards.

Fire Department:

- Proposed fire hydrant locations need to be shown on subdivision plat.
- Project shall meet all provisions of Fire Code relating to this type of development.

**ISSUES:**

- The Brundle Acres Subdivision consists of 6 new lots and 1 existing lot on 3.25 acres. This equates to an overall density of 1.8 units per acre. Lot sizes range from 12,940 square feet to 19,166 square feet. The average lot size has been calculated at 16,720 square feet.
- As mentioned previously, this property was involved in a rezone effort in June 2016. A development agreement was reviewed and approved by the Planning Commission and City Council. The applicant indicated they would simply follow the City's single family home standards. For reference, these standards are summarized below:
  - Minimum rambler size: 2,000 square feet
  - Minimum multi-level size: 3,000 square feet
  - Minimum garage size: 3 car (2 car allowed in certain instances)
  - Exterior materials allowed: brick, stone and fiber cement siding
  - Further material restrictions: fiber cement siding limited to 75% of the exterior facade.
  - Minimum roof pitch: 6/12
  - Minimum number of points required for a rambler from design features list: 250
  - Minimum number of points required for a multi-level from design features list: 300
  - Architectural shingles required
- Access to the subdivision will be gained from the Sunrise Pointe Phase 2 Subdivision to the north. The subdivision will consist of a single cul-de-sac and will have no other outlet. As staff reviewed the project site in relation to surrounding properties, it was determined that this design would work. The location of the new street could also provide access to the property to the west should it ever develop residentially. There is some concern with regards to the centerline curve radius where the new street connects with the existing street. The City Engineering Division is recommending that this be flattened out to meet City standards.
- The proposed right-of-way will be 54-feet in width. The cross section will include curb, gutter, sidewalk and parkstrip. The parkstrip on the west side of the road as well as Parcel A, will be stamped colored concrete. This is required to help minimize maintenance along the street where there are no housing units. The City Engineering Division has expressed some concern over the ownership of Parcel A. Staff is recommending that the developer evaluate whether the property owner to the west would be interested in this parcel. If not, there is the possibility that it could be absorbed into the right-of-way and maintained by the City.
- The developer will be responsible to coordinate the availability of all utilities for the subdivision. Granger Hunter Improvement District will handle water and sewer connections in the subdivision. Other services are available and will be coordinated as the subdivision plat moves forward.

- The property is bordered on the west by agricultural property. Per City ordinance, the developer will be responsible to fence these areas with a 6-foot non-climbable chain link fence.
- The developer has submitted a soils report. Ground water was encountered at a depth of 8.5 feet. This will allow for basements in the subdivision provided recommendations outlined in the soils report are followed.
- This area is historically known for faulting. The following information was presented to the City in a ground fault investigation completed for the proposed subdivision: (Emphasis Added)

Although faulting has been mapped as crossing by previous mapping studies (Keaton and others, 1987; and Personius and Scott, 1992 and 2009), no fault rupture nor deformation related fault movement was observed in the sufficiently ancient deposits (12,000-10,000 ybp) exposed in the trenches excavated on the site as part of our study. Trenching conducted by others (AGEC, 1999) for the Sunrise Pointe Phase II Subdivision project, immediately to the north of this project, found fault displacements on the order 1.5 to 1.0 feet for trenches excavated on the north side of the project, while the trenches excavated on the south side of the project, closest to the present study, displayed no evidence of fault displacement. On the basis of our observations and the observations by the others (AGEC, 1999), we conclude the mapped faulting discontinues across the proposed 3.25-acre residential subdivision location.

According to the Western States Seismic Policy Council (2011) and adopted by the UGS (Lund and others, 2016), active (Holocene age) earthquake faults are generally considered to be faults which have disrupted the ground surface within the past 11,700 years before present. Implied with this definition is that such faults are likely to disrupt the ground surface in the relatively near future. On the basis of these definitions and our observations, we believe that surface fault rupture hazards are not present on the site.

Both the geotechnical report and the information contained in the fault study are being reviewed by the City Engineering Division and the City Building Official.

#### **STAFF ALTERNATIVES:**

- A. Grant preliminary approval for the Brundle Acres Subdivision subject to the following conditions:
1. That the Subdivision be guided by the recorded development agreement. All builders in the subdivision shall be provided a copy of this agreement from the applicant.
  2. That the developer contact the Salt Lake County Auditor's Office regarding the subdivision name and all street names associated with the development.
  3. That compliance be made with the Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection.
  4. That the developer coordinate issues regarding storm drainage with the City Engineering

Division.

5. That the developer coordinate all matters associated with any irrigation or open ditch systems with the City Engineering Division. The developer shall coordinate this issue with any water users and the City Public Works Department as part of this recommendation.
  6. That the new right-of-way be dedicated and improved according to plans and profiles approved by the City Engineering Division.
  7. That the developer determine what happens to Parcel A. Staff recommends that the developer check with the property owner to the west to see if they would be interested in acquiring this parcel. If the developer proposes that it be part of the right-of-way, the City Engineering will need to make that determination.
  8. That recommendations outlined in the geotechnical report and fault study be followed.
  9. That a note be placed on the plat notifying potential residents that this subdivision is located near agricultural property and may be subject to noise and odors associated with such uses.
  10. That the developer install a 6-foot non-climbable chain link fence along those properties zoned agriculture. A different fence, such as a privacy fence and/or wall can be installed to satisfy this requirement as well.
- B. Continuation to allow the developer an opportunity to address issues raised during the Planning Commission meeting.

**Applicant:**

Trevor Price, Engineer, standing in for David Waldron  
370 East 500 South  
Salt Lake City, UT 84111

**Motion:** Commissioner Winters moved to approve S-13-2017, subject to the ten staff conditions listed in the staff report.

Commissioner Lovato seconded the motion.

**Vote:**

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Chair Meaders	Yes
Commissioner Porter	Yes
Commissioner Winters	Yes
Commissioner Wood	Yes
Commissioner Woodruff	Yes

**Unanimous – S-13-2017 – Approved**

**S-14-2017**

**Smith Farms Cottages**

**3850 South 3940 West**

**R-1-8 & A Zones**

**19 Lots**

**6 Acres**

**BACKGROUND**

Mr. Greg Larsen is requesting preliminary plat approval for the Smith Farms Cottages Subdivision. The subject property is located at approximately 3850 South 3940 West. The property is zoned R-1-8 and is bordered on the north by the Bridlevale Farms Phase 2 subdivision, the east by the Stonebrook Estates Subdivision and the south and west by properties zoned A.

**STAFF/AGENCY CONCERNS:**

Fire Department:

- Fire hydrants to be installed in accordance with the Uniform Fire Code.

Granger Hunter Improvement District:

- Project will need to run availability for water, sewer and fire protection.
- Subject to design and review inspections.
- Will need to evaluate the potential of a looped water connection out to 4000 West.

Utility Agencies:

- Subject to all standard easement locations.

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures. Concerns related to tail water exiting property to the south.
- Revisions to plat are required.
- Piping of irrigation ditch along the northern boundary required.
- Follow recommendations outlined in the soils report. Still reviewing report based on its age, but don't anticipate any problems.
- Will allow 44-foot cross section to be used on the cul-de-sac, but the extension of 3860 South will be required to be a 54-foot right-of-way.

Building Inspections:

- Follow recommendations outlined in the soils report. Report is 3 years old, but this office believes the site has not changed and the information contained in the report is still valid.

**ISSUES:**

- Mr. Larsen is proposing a preliminary plat for the Smith Farms Cottages Subdivision. The subdivision will consist of 19 lots on approximately 6 acres. This equates to an overall density of 3.1 units per acre. Lot sizes range from 8,430 to 14,411 square feet. The average lot size in the subdivision has been calculated at 10,350 square feet. Of the 19 lots, 12 are over 10,000 square feet.
- Prior to the submittal of the preliminary plat, Mr. Larsen initiated a development agreement to address the unique configuration of the property and the City's requirement for larger houses. Mr. Larsen believes that the narrow width of the subdivision, especially at the north end, would better accommodate housing slightly smaller in size. To off-set the reduction in size for up to 7 homes, Mr. Larsen submitted development standards that would otherwise not be required of the subdivision. Staff has attached these to the report as Exhibit B.
- Access to the subdivision will be gained from an existing stub street from the Stonebrook Estates Subdivision to the east and from 4000 West to the west. The connecting road between these two points will be designated as a 54-foot right-of-way with curb, gutter, sidewalk and parkstrip. There is some question as to whether the connection with 4000 West can be made at this time. Due to an existing access easement in favor of the property owner to the south, the developer may only be able to plat a portion of those lots along 3860 South.
- The cul-de sac will be allowed at a 44-foot right-of-way. This will include curb, gutter, asphalt and pavement. The City Engineering Division is comfortable with the proposed road design but is evaluating the centerline curve radius of 3860 south as it comes off of the existing stub street. This issue will be coordinate between the City and the developer's engineer. Residential development to the south will likely occur in the future. The alignment of 3860 South will allow for a stub connection when that property is ready to develop.
- If a connection is made out to 4000 West, an additional 7-feet of dedication will be needed along said road in front of lot 18. This will be improved with standard curb, gutter, sidewalk and asphalt.
- An access and right-of-way exists along the south boundary of the subdivision. Staff is unsure about the encumbrances that this right-of-way may have on the proposed subdivision. A recommendation will be given that requires the applicant to resolve this matter with the property owner to the south before a final plat can be submitted, and/or that the subdivision be done in phases until that issue can be resolved.
- An access easement also exists along the north boundary of the property. This easement provides access to the Kent Smith parcel and to the three parcels east of the proposed

subdivision. During the original application of this property 3 years ago, staff discussed the possibility of removing the easement that will encumber future owners of lots 7-8. Staff is recommending that Mr. Larsen continue to pursue this option as it would eliminate the owners of those parcels from having to use a long unimproved easement, and would allow the owners of lots 7-8 full use of their property. This option will need to be resolved before a final plat can be submitted.

- The subject property has been farmed for many years, and as a result, has an extensive irrigation system with multiple ditches. The developer will be required to ensure that any and all irrigation water is managed appropriately. This will be coordinated with the City's Engineering Division.
- The applicant has submitted a soils report that addresses ground water issues. Although the report is somewhat old (3 years), the engineering division and building division believe the report will work for the purposes intended. According to the report, ground water was not encountered to a depth of 16 feet. Therefore, basements will be allowed within the subdivision without any restrictions.
- The subdivision is located adjacent to agricultural properties along the west boundary. City ordinance will require that a 6-foot chain link fence be installed in these locations. According to the developer, and in accordance with the development agreement, a 6-foot vinyl fence will be installed.
- The general plan designates this area for a potential neighborhood park. As the subdivision is being processed as a standard development, there is little negotiation for property acquisition. However, there has been some discussion that lot 19 could be used for that purpose in conjunction with other property to the south. However, at the present time, the concept of a park has not gained any traction. These discussions will continue through the preliminary process. A decision will be made during the final plat process.
- During the review of this property a number of years ago, staff received comments about the number of trees on the property and whether they could be saved. Trees that are outside of the project area will not be affected by the development. However, trees that are inside the boundary of the subdivision could be kept if the developer believes they have value, or removed if deemed necessary for development of the subdivision and/or the piping of irrigation lines.

**STAFF ALTERNATIVES:**

- A. Grant preliminary subdivision approval for the Smith Farms Cottages subject to the following conditions:
1. That compliance be made with Granger Hunter Improvement District regarding water line extensions, sewer connections and fire protection.
  2. That the subdivision name and interior street names be approved by Salt Lake County Addressing Division.
  3. Recommendations outlined in the soils report shall be followed.

4. That street dedication and improvements be in accordance with plan and profiles approved by the City Engineering Division.
5. That all matters pertaining to the existing irrigation system be addressed with the Public Works Department and water users as outlined in the analysis.
6. That the developer resolve all staff and agency concerns and other issues are noted in the analysis.
7. That the access easement along the southern boundary of the subdivision be resolved prior to final plat application and/or that the subdivision be phased to eliminate the conflict of the easement.
8. That the developer evaluate the possibility of making the access easement along the northern boundary of the subdivision, a parcel within the plat. A determination shall be made as to the feasibility of using this parcel to access the three parcels east of the subdivision. Staff recommends that the developer secure agreements from these owners stating their approval of the parcel.
9. That 6-foot chain link fencing be installed along all agriculturally zoned lots – or other fencing as indicated in the development agreement.
10. That all provisions of the development agreement be adhered to as approved by the City Council.
11. That the developer continue to discuss whether the City is interested in a neighborhood park.

B. Continuation to address issues raised during the public hearing.

**Applicant:**

Greg Larsen  
1042 Fort Union Boulevard  
Midvale, UT 84047

**Discussion:** CC Barbuto, 3879 South 4000 West, said she purchased her home for the privacy and security it provides. An access road to this subdivision is planned that will go across her private right of way. CC Barbuto suggested other ways to access the property and is hoping the developer will consider these options rather than take her right of way.

CC Barbuto said she has created a safe haven for animals on her property over the past 23 years. She is not opposed to the Smiths making a subdivision, but she would like a privacy fence along the subdivision that will leave her right of way alone.

Ralph Smith, 3857 South 4000 West, is the trustee of this property. He has tried for many years to sell the property and asked for approval so that he can sell and not have to pay taxes on it.

Greg Goddard, 3908 West Eagle Glen Way, built his home in 2003 and selected the property for the privacy it offers. He feels that if the only access to this property is Eagle Glen Way, his privacy will be gone.

Cindy Smith, 3977 West 3800 South, supports this development. She understands the love for privacy, but said everyone knew that eventually the farm would be developed into a subdivision. Steve Grant, 3871 West 3800 South, also voiced his support of the development.

Mike Milne, 3907 Eagle Glen Way, asked what happened since the earlier development plan was submitted three years ago. Steve Lehman said the previous developer chose to walk away. The Smiths still own the property, however, they are selling to a different individual.

Greg Larsen is the developer for the property. He said he is sympathetic with all of the comments that have been made. He does not wish to disrupt the lives of the surrounding homeowners. He has addressed all of the access possibilities for this property, including those that CC Barbuto mentioned. He has worked hard to put together a thoughtful development agreement. Greg Larsen said he will not disrupt or impede CC Barbuto's access to her right of way.

Greg Larsen said he has done many infill subdivisions. The design of the subdivision will allow future roads to tie in to the property. He is happy to work with surrounding neighbors.

Greg Larsen is not in favor of tearing down trees. Any tree that is aesthetically pleasing will remain. Depending on the location of roads, ditches, and utilities, other trees may need to be removed.

**Motion:** Commissioner Fuller moved to approve S-14-2017 subject to the 11 items listed in the staff report.

Commissioner McEwen seconded the motion.

**Vote:**

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Chair Meaders	Yes
Commissioner Porter	Yes
Commissioner Winters	Yes
Commissioner Wood	Yes
Commissioner Woodruff	Yes

**Unanimous –S-14-2017 – Approved**

Approval of Minutes from August 9, 2017 (Regular Meeting) **Approved**

Approval of Minutes from August 16, 2017 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:01 p.m.

Respectfully submitted,

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Brenda Turnblom, Administrative Assistant