



**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**June 28, 2017**

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

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

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

**ABSENT**

Mathew Lovato

**WEST VALLEY CITY PLANNING DIVISION STAFF**

Jody Knapp, Steve Pastorik, Lee Logston, and Brenda Turnblom

**WEST VALLEY CITY LEGAL DEPARTMENT**

Brandon Hill

**AUDIENCE**

There were eight (8) people present in the audience.

**Z-4-2017**

**ALS Real Estate, LLC (Roger Chase) 3396**

**West 3100 South**

**R-1-8 (single family residential) to A (Agricultural)**

**2.3 acres**

Roger Chase, representing ALS Real Estate, LLC, has requested a zone change for 2.3 acres located at 3396 West 3100 South from R-1-8 (single family residential, 8,000 sqft lot min.) to A (agriculture, minimum lot size ½ acre). Surrounding zones include R-1-6 to the north, R-1-8 to the west and south and A to the east. Surrounding land uses include two duplexes to the south, single family residential to the west and north, and single family residential with animals to the east. The property is designated as low density residential (3-4 units per acre) in the West Valley City General Plan.

Zoning maps from 1980 indicate that this parcel was zoned R-2-8. The zoning maps from 1985-1986 indicate that the zoning was R-1-8, which is the present zoning designation. In 2016, Mr. Chase was given approval for a 7-lot single family residential subdivision (S-6-16 Chase Meadows). Mr. Chase has decided he no longer wishes to develop the property and he would like to reside in the existing home and keep his personal animals there.

Mr. Chase had initially expressed some interest in possibly commercially boarding animals and having a petting zoo, hay rides or a Christmas tree lot on the property. He had also created a website to advertise the services. Upon learning of the City requirements to conduct that type of public use of the property he has decided to not pursue that use at this time and has subsequently taken down the website. At this time Mr. Chase is just requesting the rezone to Agricultural for his personal use of the property.

Although a formal animal rights determination has not been made, there is some evidence that animals have been present on the property for some time. The large barn structure and animal pens can be seen in aerial photographs from 1979 through today. The property is 2.3 acres in size and an agricultural zone permits 200 animal points per acre. Therefore, if the property is rezoned there could be a total of 460 animal points on the property. A current list of the animals has been included for your review. The agricultural zone also requires that all enclosures for the keeping of these animals be a minimum of 40' from any dwelling.

Staff has been contacted by adjacent property owners and a petition against the rezone application has been submitted. A copy of that information has also been provided in the packet.

**Staff Alternatives:**

- Approval, of the zone change to the A Zone, subject to the requirements set forth in Title 7 of the West Valley City Municipal Code.
- Continuance, for reasons determined at the public hearing.
- Denial of the zone change to the A Zone. An agricultural use is not appropriate at this location and the parcel should remain residential.

**Applicant:**

Roger Chase  
3396 West 3100 South  
West Valley City, UT

**Discussion:** Roger Chase said he grew up in Draper, but was forced off of his Draper property because \$1,000,000 homes are being built around it. He at first planned to develop his property in West Valley City as a subdivision. He later decided to live on the property with his animals. Roger Chase had a pumpkin patch during his first year of ownership. He said 770 people signed a petition in favor of his pumpkin patch and those that visited had a great time. Roger Chase apologized for the mistakes he has made. This has been a learning process for him and he is trying to come into compliance.

Chair Meaders asked Roger Chase if he knows that if his property is rezoned to Agriculture and if he later wants the property rezoned to Residential, the zoning may only be Residential Estate. Roger Chase said he does not plan to rezone this property again during his lifetime. Commissioner Porter asked Roger Chase if he was aware of the R-1-8 zoning when he purchased the property. Roger Chase answered yes, the property was approved for a subdivision.

Ken Thorup, 3049 West Thorup Circle, said he was raised across the street from the property and is very familiar with it. His home on Thorup Circle has been there for almost 55 years. Ken Thorup said when he was growing up, the property was used to grow cash crops. He said there were no animals there. Cows and horses were kept on the east side of the Riter Canal where salt grass grows and farming is not good.

Ken Thorup has received two Clean and Beautiful yard awards from the City. This year rabbits have eaten all of his petunias, cantaloupes, and tomatoes. Ken Thorup said Roger Chase has been issued a citation for that. Another citation was given to Roger Chase because his turkey was in Ken Thorup's yard. Ken Thorup said one of the ladies who signed the petition against the rezone told him that one of Roger Chase's goats had entered her garage. Roger Chase said he hasn't yet received any citations. He has been working to clean the place up, removing 22 dumpster loads of junk.

Ken Thorup said after Roger Chase learned he was against the rezone, Roger Chase called him 25 times during the night and morning. Ken Thorup said he recorded the calls. Ken Thorup provided pictures of retaliation the day after the phone calls of things that were thrown into his yard. He said if he had been watering his plants on the other side of the wall, the debris could have killed him.

Ken Thorup reported that he asked a worker on the Roger Chase property, named Dave, to move the pigs farther away from his home because of the smell and flies. The pigs were moved. Ken Thorup is the water master and spoke to Dave about locking the weir next to the school on 3600 West 3100 South. He said the weir has been left unlocked about 7 times.

Ken Thorup said he counted the animals on Ken Thorup's property, including little pigs, and estimated they total 3,480 animal points. He complained about manure odor and the flies generated from the property. He said there are flies all over his house all of the time. He said the sound of the braying mule is worse than an elk bugle.

Ken Thorup said he saw a sign on Roger Chases' property that read, "Goat's milk for sale". He called the Department of Agriculture to see if Roger Chase had registered with them. He reported they had no record of Roger Chase. Ken Thorup reported that night the back of his wife's car was tagged, as well as a sign on his property that has his name and a deer cast in concrete that was spray painted orange.

Ken Thorup said he made the mistake of mentioning to a neighbor the retaliation he received. The neighbor had a video of what has been going on with the animals on the property with the intent of turning it in to the Humane Society. Ken Thorup said she changed her mind after she talked to her husband. They have children and want to protect them from any retaliation.

Ken Thorup said he can understand how Roger Chase was forced out of Draper. Many dairies have been forced out of Draper as commercial and residential subdivisions move in. This is not 1917, it is 2017. Ken Thorup feels that having a "Ranch in the City" is not a good idea. The smell from the animals will reduce the property values of surrounding homes. Ken Thorup requests that zoning be left R-1-8 to serve as a buffer between residential and Agricultural. Ken Thorup said if the property is zoned A, it might as well be zoned for a zoo, because that is what will happen.

Chair Meaders asked how long there have been animals on Roger Chase's property. Ken Thorup said there were no animals until the 1960's when he gave Ralph Montrone permission to put a horse on the property. The following owner, Mr. Beams, had four horses that were kept in the mountains some of the time. They were kept on the east side of the property, so they weren't a problem.

Chair Meaders asked Jody Knapp to discuss the possibility of a nonconforming use application. Jody Knapp said two different routes were presented to Roger Chase: One is to rezone the property to Agriculture, the other is a nonconforming use determination. If the property is not rezoned, Roger Chase can go before the Board of Adjustment (BOA) and show evidence that animals have historically been on the property. If the BOA issues a non-conforming use determination, it would allow Roger Chase to continue having animals on the property. Commissioner McEwen asked for clarification of the word historical. Jody Knapp said Roger Chase must prove that animals were on the property prior to 1980 when the City was incorporated.

Commissioner Fuller asked about the number of animals that would be allowed if a nonconforming use determination was granted. Jody Knapp said the BOA typically just looks at animal rights in general, not the specific number of animals. Brandon Hill said it depends on the evidence that is presented to the Board. If evidence shows only one horse has ever been on the property, then that may be the limitation. If there were more animals, then more animals would be allowed.

Commissioner Woodruff noted that A zoning is not in compliance with the General Plan. Jody Knapp said the General Plan calls for low density residential, 3-4 units per acre. Chair Meaders said the City is hoping for larger lots in this area. She feels this is a bad area for animals. Most of the lots zoned A don't have as many animals. Some are zoned A as a place holder to move to the RE zone. Commissioner Wood agrees that land is sparse in the City for development and zoning to A is a concern.

Commissioner Fuller reasoned that if we keep R-1-8 zoning and Mr. Chase goes to the BOA and succeeds there, the animal problem isn't resolved. If we zone the property to A, the animal issue

is not resolved, but there will be more limitations as to how close the animals can be to surrounding dwellings. We are not solving whether animals can be there or not, we are just considering whether we want A or R-1-8 zoning.

**Motion:** Commissioner Woodruff sees no reason to change zoning from R-1-8. He moved to deny Z-4-2017.

Commissioner Wood seconded the motion.

**Roll Call Vote:**

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

**Unanimous – Z-4-2017 – Denied**

**C-16-2017**

**Towne Storage Colt Plaza**

**2938 S. Glen Eagles Dr.**

**C-2 Zone (2.67 Acres)**

The applicant, Ken Menlove, is requesting conditional use approval for a storage unit facility at 2938 S. Glen Eagles Dr. on Lot 5A of the Colt Plaza III subdivision. This property is zoned general commercial (C-2). The surrounding zone to the west and north is residential multi-family (RM) and to the east and south the zoning is general commercial (C-2). The West Valley City General Plan designates this area as general commercial. This property is located behind an existing car wash and a lube and oil business to the east, the Desert Industries to the south, undeveloped vacant land to the north and the future Mountain View Corridor to the west.

Two previous proposals have been submitted for this property in the past. One in 2012 (C-43-12) for a retail/auto development on the eastern portion of the site and another in 2015 (C-33-15) for a retail/storage unit project on the entire parcel. Both of those applications have since expired.

At this the proposal is to develop the property for storage units. There would be one 1,380 sqft office building for an on-site manager. The manager will be available during office hours only and living quarters have not been provided within this project. There will also be five storage unit buildings totaling 71,100 sqft. The buildings on site will be constructed of CMU block and the office building will have a stone wainscot with metal panel and hardi plank siding details. The buildings will be designed in accordance with the commercial design standards.

On July 1, 2015, a variance was granted on this property from the Board of Adjustment for the setbacks on the west and north side of the site (B-6-15). The variance was granted due to the proximity of the future Mountain View Corridor to the west and the general plan designation is general commercial to

the north and west so it is unlikely that residential housing will be constructed here. Furthermore, due to the building layout reducing the setbacks eliminates an area that will have limited visibility and proven problematic in similar developments. Therefore, the building itself will act as the exterior fence, thus reducing the setback from 10 feet to zero. There is an existing 10'-12' wall on the south side of the site and a new 8' masonry wall will be required to be constructed along the non-building areas on the northern boundary.

A variance was also granted for the landscaping on site (B-6-15). The C-2 zone requires that 15% of the site be landscaped and that was reduced to 3% due to the limited visibility of the area. The landscaping will be concentrated around the office building and the east side of the site which borders the adjacent retail uses. There is also a small portion of landscaping at the entrance to this facility adjacent to Glen Eagle Drive that will also need to be landscaped as part of this project.

If a dumpster is located on site it must be secured with a 6' tall masonry enclosure and all signage shall meet the requirements set forth in Title 11 of the WVC Municipal Code.

**Staff Alternatives:**

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
  1. The buildings shall be designed in accordance with the Commercial Design Standards.
  2. Landscaping shall be completed per the approved plans and in accordance with the variance requirements set forth in B-6-15.
  3. An 8' masonry wall shall be installed along the north property line.
  4. All signage shall comply with the WVC Sign Code.
  5. All requirements of any affected departments and/or agencies must be met.
  
- Continuance, to allow for the resolution of any issues raised at the public hearing.

**Applicant:**

Ken Menlove, Menlove Construction  
4243 W Nike Drive  
West Jordan, UT

**Motion:** Commissioner Winters moved to approve C-16-2017 subject to the five items listed in the staff report.

Commissioner McEwen seconded the motion.

**Vote:**

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

**Unanimous – C-16-2017 – Approved**

Approval of Minutes from June 14, 2017 (Regular Meeting) **Approved**

Approval of Minutes from June 21, 2017 (Study Session) **Approved**

**Chair Meaders was re-elected as Chair and David McEwen was voted as Vice Chair.**

There being no further business, the meeting adjourned at 4:45 p.m.

Respectfully submitted,

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Brenda Turnblom, Administrative Assistant