

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**May 26, 2010**

The meeting was called to order at 4:04 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Harold Woodruff, Brent Fuller, Jack Matheson, Terri Mills, Phil Conder, Joe Garcia, and Imaan Bilic

**ABSENT:**

Barbara Thomas

**WEST VALLEY CITY PLANNING DIVISION STAFF**

John Janson, Hannah Thiel, Steve Lehman, and Nichole Camac

**WEST VALLEY ADMINISTRATIVE STAFF:**

Marshall Hendrickson, Assistant City Attorney

**AUDIENCE**

Approximately six (6) people were in the audience

## **ZONE TEXT CHANGE APPLICATION**

### **ZT-7-2010**

#### **Sections 7-2 Fence/Hedge Text Amendment Staff Presentation by Hannah Thiel, Planner II**

##### **Background**

This ordinance text change addresses City minimum solid fence standards in the front yard as well as fence/hedge standards along arterial streets.

The ordinance proposal allows the minimum solid fence to be 3' tall rather than the existing 2' tall maximum. The 3 foot height is an industry standard and is not a concern from the UDOT perspective for clear view standards.

The proposal also allows homes on arterial streets that are at least 80' wide to erect a hedge up to the property line or to erect a six foot fence with a ten foot setback. This would allow homes on arterial streets more privacy. The Police Department would recommend keeping the front yard clear or using a fence that could be seen through for security reasons. This is a valid recommendation but consideration should also be given to the homeowners wishing for more privacy along busy streets.

In the Study Session held on May 19, 2010, a Commissioner recommended that an additional amendment should be added to the zone text change that would require a 6" curb where residents used a chain link fence material. This curb would mitigate the growth of weeds throughout the chain link. Staff does not have any concerns with this proposal. This change was not added to the proposal for the Public Hearing as not all the Commissioners were in favor of doing so. To add this requirement, it should be mentioned/requested in the motion of approval of this text change amendment.

##### **Recommendations/ Staff Alternatives**

- Approval of the Fence Ordinance Text Change, subject to any issues raised at the public hearing
- Continuance, for resolution of any issues that may arise at the public hearing.
- Denial of Fence Ordinance Text Change

##### **Applicant:**

West Valley City

**Discussion:** Hannah Thiel presented the application. Jack Matheson asked if hedges that encroach over a sidewalk would be against the ordinance. Hannah replied yes and added that hedges have to be maintained and out of the right-of-way.

Terri Mills stated that she would like to disclose for the public record that she received a courtesy notice from Code Enforcement that indicated her hedge was in violation of the existing ordinance and that she represented herself and her neighbors at a City Council meeting in March. Commissioner Mills stated that her voting history indicates she is capable of voting responsibly on this topic and ensuring that the decision made is in the best interest of the City. Jack Matheson asked if

Commissioner Mills' hedge breaks sound from 3500 South. Commissioner Mills replied yes.

Harold Woodruff clarified that the ordinance as written doesn't include any requirement for mow strips or curb cuts on chain-link fences. Hannah replied no but stated that it could be added into the motion.

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

**Motion:** Commissioner Fuller moved for approval subject to requiring curb cuts and mow strips for chain-link fences.

Commissioner Garcia seconded the motion.

**Discussion:** Phil Conder asked if the mow strips will be required for new subdivisions as well as existing homes. Jack Matheson stated that it would be for any chain-link fence that goes in anywhere. Harold Woodruff indicated that it would be very difficult to enforce since fences do not need building permits. Steve Lehman commented that people inquire about fencing on a daily basis in the department and it might be helpful if it was written in the ordinance for them to follow. Terri Mills stated that she is concerned people will be forced to remove and re-build their existing chain-link fences. Phil Conder replied that Code Enforcement can't require people to remove their fences since there is no way to tell when the fence was constructed.

**Roll call vote:**

Commissioner Bilic	No
Commissioner Conder	No
Commissioner Fuller	No
Commissioner Garcia	Yes
Commissioner Matheson	No
Commissioner Mills	No
Chairman Woodruff	No

**Majority – ZT-7-2010 – Denied**

Chairman Woodruff called for a second motion.

**Motion:** Commissioner Matheson moved for continuance.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Bilic	Yes
Commissioner Conder	Yes

Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous – ZT-7-2010 – Continued**

## **SUBDIVISION APPLICATIONS**

### **SV-1-2010**

#### **Tunkhannock Ave & Girard Street Vacation 2163 South 2700 West**

#### **BACKGROUND**

Carlos Hernandez, is requesting a street vacation for all of Tunkhannock Avenue and a portion of Girard Street. The purpose for the street vacation will be to accommodate future development of the adjoining property owned by the applicant.

The streets mentioned in this application were platted as part of the Asbury Park Addition Subdivision recorded in September 1890. The proposed vacation will include all of Tunkhannock Avenue and that portion of Girard Street immediately to the east of the applicant's property. This is more particularly described as Block 21 of the Asbury Park Addition Subdivision.

The streets mentioned as part of this request have never been formally improved or used by the general public. Many streets within this subdivision have been vacated over the years. The vacation of these streets will increase property values and will better accommodate future development now being planned by Mr. Hernandez.

The vacated right-of-way will not adversely affect the adjacent property. During the approval process for the Kenworth Trucking business, the north half-width of Tunkhannock Ave and the east half-width of Girard Street were vacated. Vacating the remaining half-width will provide a common boundary between these two businesses.

According to City Ordinance, streets and/or alley vacations shall be reviewed by the Planning Commission with a recommendation to the City Council.

#### **RECOMMENDATION**

1. Approval of the street vacation plat.
2. Continue the application due to issues raised at the public hearing.

#### **Applicant:**

Carlos Hernandez  
2163 S Constitution Blvd  
West Valley City, UT 84119

**Discussion:** Steve Lehman presented the application. Carlos Hernandez, the applicant, stated that he bought his property 2 or 3 years ago and has since improved it significantly. He stated that he would like to develop further and possibly open a new business in the area. Terri Mills asked if the section of dirt in the right of way needs to be worked out as part of this application. Steve replied that it is not included in this application because the City engineer recommended against allowing this section to be vacated. He added that the City will try to work on some sort of agreement with Mr. Hernandez so that this section can get landscaped.

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

**Motion:** Commissioner Mills moved for approval of the street vacation plat

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Bilic	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous – SV-1-2010 – Approved**

**SV-2-2010**

**Leon Avenue – Street Vacation  
3550 South 2950 West**

**BACKGROUND**

The West Valley City Community & Economic Development Department is requesting a street vacation for the eastern portion of Leon Avenue. This street was platted as part of the Holmberg Subdivision which was recorded in December 1959. The request to vacate the right-of-way is in anticipation of the City Center development. Proposed improvements and forthcoming development are the driving force behind the street vacation.

The City owns property on the north, east and south sides of the proposed vacated right-of-way. As plans move forward regarding the City Center, various modifications to subdivision plats and dedicated rights-of-way will undoubtedly take place, thus needing review and approval from the Planning Commission and City Council.

The vacated right-of-way will not adversely affect residents who use this road to access housing. The vacating ordinance will include language that protects this access and other utility installations until such time as they are not needed.

According to City ordinance, streets and/or alley vacations shall be reviewed by the Planning Commission with a recommendation to the City Council.

**RECOMMENDATION**

1. Approval of the street vacation plat.
2. Continue the application due to issues raised at the public hearing.

**Applicant:**

West Valley City

**Discussion:** Steve Lehman presented the application. The Planning Commission had no further questions or concerns.

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

**Motion:** Commissioner Fuller moved for approval of the street vacation plat

Commissioner Mills seconded the motion.

**Roll call vote:**

Commissioner Bilic	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous – SV-2-2010 – Approved**

**S-4-2010**

**Garff-Day Subdivision – Amending Lot 1 Henry Day Subdivision**

**4091 West 3500 South**

**C-2 Zone**

**BACKGROUND**

Craig Rigby, representing Garff Dodge Property LLC, is requesting preliminary and final plat approval for the Garff-Day Subdivision. The proposed application will also amend Lot 1 of the Henry Day Subdivision.

**ISSUES:**

The subdivision will consist of 2 lots on approximately 18 acres. The proposed subdivision will also amend Lot 1 of the Henry Day Subdivision. The subdivision is being proposed to include property that was originally used for the Hollywood Video store adjacent to 3500

South. This store is no longer in use. The adjoining property owners have discussed dividing this parcel to be included within the boundaries of their existing property.

The property to be absorbed is approximately .83 acres in size. An existing property line separating the Garff and Day businesses will extend northward through this parcel out to 3500 South. Lot 1 of the Henry Day Subdivision will increase in size by .35 acres. A new lot will be created for the Garff property which will increase in size by .48 acres.

The area previously used for the video store will be used for parking related to each of the auto dealers. A center landscape strip will be installed between the two lots similar to the one that presently exists which is used to help designate one dealer from the other.

Public Works has reviewed the site in relation to storm water concerns. Fortunately, a storm drain box is located in what is presently the video store parking lot. An access opening will exist in the landscape strip that will allow surface water to exit the site. The access opening could also be used to move from one automotive dealership to the other.

**STAFF ALTERNATIVES:**

- A. Approval of the Garff-Day Subdivision and the amendment to Lot 1 of the Henry Day Subdivision.
- B. Continuance to address issues raised during the Planning Commission meeting.

**Applicant:**

Craig Rigby  
4738 Glen Ridge Way  
Murray, UT

**Discussion:** Steve Lehman presented the application. The applicant, Craig Rigby, stated that purchasing this portion of property has been the planned for quite awhile. He explained that the landscaping strip will be carried to 3500 South with the exception of a break where the storm drain is. Jack Matheson asked if this acquired area will be for display only or for customer parking as well. Mr. Rigby stated that it will be for new vehicle display only. Phil Conder asked if all the requirements that were listed in the conditional use will apply to this part of the property as well. Steve replied that there will be some conditional use amendments done at staff level to incorporate all the requirements.

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

**Motion:** Commissioner Conder moved for approval of the Garff-Day Subdivision and the amendment to Lot 1 of the Henry Day Subdivision.

Commissioner Bilic seconded the motion.

**Roll call vote:**

Commissioner Bilic	Yes
Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

**Unanimous – S-4-2010 – Approved**

**PLANNING COMISSION BUSINESS**

Approval of minutes from April 28, 2010 (Regular Meeting) **Approved**

Approval of minutes from May 19, 2010 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:35 p.m.

Respectfully submitted,

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Nichole Camac, Administrative Assistant