

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**December 8, 2010**

The meeting was called to order at 4:00 p.m. by Chairman Brent Fuller at 3600 Constitution Boulevard, West Valley City, Utah

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Harold Woodruff, Brent Fuller, Terri Mills, Phil Conder, and Joe Garcia

**ABSENT:**

Jack Matheson, Barbara Thomas, and Imaan Bilic

**WEST VALLEY CITY PLANNING DIVISION STAFF**

Steve Lehman, Ron Weibel, and Nichole Camac

**WEST VALLEY ADMINISTRATIVE STAFF:**

Claire Gillmor, Assistant City Attorney

**AUDIENCE**

Approximately twelve (12) people were in the audience

**ZONE CHANGE APPLICATION**

**Z-3-2010**

**Norma Hanson**

**3955 South 2200 West**

**A to R-1-8**

**.92 acres**

**BACKGROUND:**

Pete Moesser, representing the property owner, is requesting a zone change for .92 acres located at 3955 South 2200 West. The request is to change this parcel from the A (agricultural) zone to the R-1-8 (residential, single family, minimum lot size 8,000 square feet) zone. Surrounding zones include R-1-8 to the west, R-1-10 to the east and A to the north and south. Surrounding land uses include single family homes and agricultural uses. The subject property is designated as low density residential in the West Valley City General Plan. Attached to the analysis is a letter from the applicant which outlines the reasoning for this application

**ISSUES:**

As stated in this letter, the purpose for the zone change is to subdivide the property in order to create two new single family lots. The property has become difficult to manage, and sufficient room exists to create large flag lots with access from 2200 West.

According to the letter submitted by the applicant, the property was used primarily for agricultural uses. An existing single family dwelling is located along 2200 West along with other outbuildings typically found with older agricultural properties. A large pole barn was constructed a few years back to house farming equipment.

The proposed subdivision design consists of 3 lots on .92 acres. The property owner's parcel will be included within the boundaries of the subdivision, but will not be rezoned. All frontage and area requirements of the R-1-8 zone, including the increased flag lot requirements recently approved by the Planning Commission and City Council, will be met as part of the future subdivision.

Issues relating to the subdivision will be addressed at a later date. However, staff did receive a phone call regarding the existing irrigation ditch along the south property line, and existing agricultural uses adjacent to the property. Staff responded that the ditch would need to be piped, and that per City code, a 6-foot chain link fence would need to be installed adjacent to any property with agricultural zoning. These issues, as well as other matters will need to be addressed during the subdivision process.

**DEVELOPMENT AGREEMENT:**

A development agreement will be required for the rezone. Section 7-14-105(3) of the zoning ordinance states, "All new subdivisions involving a rezone of property shall participate in a development agreement that addresses housing size, quality, exterior finish materials, etc. The standards outlined in this section will be a base minimum for new dwellings. However, the property owner is proposing to increase the minimum dwelling size to 1600 square feet for lot 2 and 1800 square feet for lot 3. The applicant is also proposing that homes will be constructed of 100% masonry materials. The development agreement will also contain a provision, at the applicant's request, that no mobile or manufactured housing will be allowed.

Staff believes that the increases to the housing standards along with the design guidelines will provide good housing for this property.

**STAFF ALTERNATIVES:**

- Approval of the zone change subject to the standards outlined in the development agreement.
- Continuance to address issues raised during the public hearing.

**Applicant:**

Pete Moesser  
3944 S 2200 W

**Favored:**

Kim Mangum  
3973 S 2200 W

**Discussion:** Steve Lehman presented the application. Pete Moser, representing the applicant, stated that he is aware the irrigation ditch is a concern and indicated that it will be worked out prior to any development of the subdivision. Phil Conder questioned if the irrigation ditch could be pushed to one side. Steve replied yes and stated that placement will be coordinated with the applicant. Terri Mills asked how old the original home is. Mr. Moesser replied that the home is around 75 years old and stated that the out-buildings will be moved once the property lines are shifted. He indicated that the home is in relatively good condition and that there are no structural problems. Mr. Moesser explained that the outbuildings are not in good condition and there will be no relocation of these, they will simply be removed. Kimly Mangum, a neighbor, stated that he has no concerns with this application. Steve Lehman also noted 2 phone calls, one from a resident with concerns regarding the irrigation ditch and fencing. Steve stated that these issues will be addressed as part of the subdivision application. The other call was from a neighbor who simply wanted to make sure that new residents of these lots are community oriented and will take care of their property.

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

**Motion:** Commissioner Conder moved for approval.

Commissioner Woodruff seconded the motion.

**Roll call vote:**

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

**Unanimous – Z-3-2010 – Approved**

**ZONE TEXT CHANGE APPLICATIONS**

**ZT-16-2010**

**Western Garden Center**

**Amend Section 7-6-1002(35) to allow reception centers in a C-1 zone as an accessory use to a nursery/garden business.**

Western Garden Center is requesting a zone text amendment to allow reception centers in a C-1 zone as an accessory use to a garden/nursery business as a conditional use. Currently reception centers are allowed as a conditional use only in a C-2 and C-3 zone.

Western Garden Center hosts receptions at their facility in Sandy and would like to be able to do the same type of business in West Valley City. The receptions would include weddings, quinceaneros, anniversaries, family reunions, school reunions, school club functions, etc.

Reception centers are not allowed in C-1 zones because of the proximity to residential uses. Reception centers close to residential uses have been problematic in the past because of the intensity of the use. Because of these problems, the City modified the ordinance dealing with reception centers in C-2 zones and similar uses to require any of these uses within 500 feet of residences to close by 10:00 p.m. Given the nature of the C-1 zone, most of the lots will be smaller compared to C-2 and most will be directly adjacent to residential uses. This could mean that the impacts from any reception centers in this zone may be greater on these residential uses than they would be in a C-2 zone. While some sites in a C-1 zone may work well for this type of use, others may not be able to accommodate it as well.

An accessory use is generally less intense than a primary use. An example of a traditional accessory use would be a car wash as an accessory use to a gas station. A reception use is a more intense use than a nursery and not as closely related to the primary use as the traditional example.

**Staff Alternatives:**

- Denial, as this use is not appropriate in a C-1 zone due to the potential intensity of the use and the impact on adjacent residential uses.
- Approval as a conditional use in a C-1 zone provided that the site can meet all ordinance requirements and any potential negative impacts to adjacent land uses can be mitigated.
- Continuance, to allow the applicant and/or staff to provide more information to the Planning Commission.

**Applicant:**

Lon Clayton  
4050 W 4100

**Discussion:** Ron Weibel presented the application. Lon Clayton indicated that this has been a fun and profitable use for the Western Gardens location in Sandy and he would like to open the possibility of receptions at the West Valley location as well. Terri Mills questioned how a reception would be held in regards to space. Mr. Clayton replied that many of the items would be moved outside under a sheltered canopy to create room for the reception. Phil Conder asked if these items would be kept outside permanently. Mr. Clayton replied yes with the exception of items that could freeze or be easily broken.

Brent Fuller asked if applicants would need a conditional use. Ron replied yes. Harold Woodruff asked if a definition would need to be determined for accessory use and a garden center/nursery. Ron replied yes and indicated that there is already a definition of an accessory use. Phil Conder stated that he would be comfortable with Western Gardens opening a reception center but he is concerned with opening the option up for other businesses throughout the City. Terri Mills explained that she likes the idea of using one location for multiple uses and would like to review the 'C-1' zone to see where this could potentially be a problem. Joe Garcia asked if the reception would need to be held in the central building or if it could be held in a separate one. Ron replied that this would likely differ with each case. Ron discussed parking requirements for reception centers and hours of operation. He also provided a definition and the requirements of a 'C-1' zone.

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

**Motion:** Commissioner Conder moved for denial.

Commissioner Garcia seconded the motion.

**Roll call vote:**

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

**Majority – ZT-16-2010 – Motion Fails**

Chairman Fuller called for a second motion.

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

Commissioner Mills seconded the motion.

**Roll call vote:**

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

**Unanimous – ZT-16-2010 – Continued**

**SUBDIVISION APPLICATIONS**

**SV-4-2010**

**2870 West – Street Vacation**

## **2870 West Lehman Avenue**

### **BACKGROUND**

The West Valley City Community & Economic Development Department is requesting a street vacation for all of 2870 West. This street was platted as part of the Lehman Subdivision which was recorded 1958. The request to vacate the right-of-way is in anticipation of the City Center development. Forthcoming development in the City Center is the driving force behind the street vacation.

The City owns property on the north and west sides of the proposed vacated right-of-way. Property to the east is owned by UTA which is presently used as a park and ride. As plans move forward with 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:**

Brent Garlick/ RDA

**Neutral:**

Sheryl Confere  
3550 S 2870 W  
Apt #15

**Discussion:** Steve Lehman presented the application. Brent Garlick, representing the Community and Economic Development Department, stated that the City owns most parcels in the area and is hoping to get the City Center Project moving sometime in 2011. He indicated that this street vacation is part of the process. Sheryl Confere, a resident in the area, questioned whether this street vacation will affect residents. Brent replied that the vacation of 2870 West will not affect development plans already in place. He added that the street will remain open until construction begins. Ms. Confere asked if the City will help residents with relocation. Brent replied that the City will help with relocation on the properties it owns when the time comes.

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

**Motion:** Commissioner Woodruff moved for approval.

Commissioner Garcia seconded the motion.

**Roll call vote:**

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

**Unanimous – SV-4-2010 – Approved**

**S-7-2010**

**D&G Scale Subdivision**

**2602 South 3200 West**

**M Zone**

**3 Lots**

**2.10 Acres**

**BACKGROUND:**

Orval Rice, representing SR Properties LLC, is requesting preliminary and final plat approval for the D&G Scale Subdivision. The subject property presently consists of a 2.10 acre parcel with an existing business. The property owner would like to subdivide the property to create 2 additional building lots.

**ISSUES:**

The proposed subdivision is being requested in order to divide the existing parcel into 3 separate lots. At the present time an existing business D&G Scale is located on what will become lot 1 of the proposed subdivision.

The subdivision is situated between 3200 and 3270 West Streets. Access to the subdivision will be gained by both of these streets. Right-of-way dedication and public improvements along said streets were completed as part of the construction of the D&G business.

The applicant will be providing cross access easements throughout the subdivision for use of patrons visiting any one of the properties. During the Planning Commission study session, a question was asked whether these easements would be used for water and sewer. Granger Hunter Improvement District requires that all water and sewer lines be located in fee simple property and not through easements. However, they have on occasion allowed these improvements to be master metered.

After discussing the matter with GHID, the direction given to the applicant was to provide these services to each lot within the subdivision by way of their own frontage along 3200 West and 3270 West. The applicant will be required to resolve these issues with GHID prior to plat recording.

Each future building within the subdivision will be required to meet all standards of the M zone as it relates to setbacks, parking, landscaping etc. Permitted or conditional use applications will be determined upon land use at such time the application is made.

**STAFF ALTERNATIVES:**

1. Approve the D&G Scale Subdivision subject to a resolution of staff and agency

recommendations.

2. Continue the application in order for the developer to address concerns expressed during the Planning Commission meeting.

**Applicant:**

Orvel Rice  
5021 S Jordan Canal Road

**Applicant:**

Dean Smith  
5021 S Jordan Canal Road

**Discussion:** Steve Lehman presented the application. Orville Rice explained that his company was originally going to build on this site but just wants to sell it as a separate property now. Dean Smith added that they have had a lot of offers. He indicated that it's important to subdivide their property for economical and financial purposes. Steve commented that the applicant will need to work with GHID regarding water and sewer service.

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

**Motion:** Commissioner Woodruff moved for approval.

Commissioner Conder seconded the motion.

**Roll call vote:**

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

**Unanimous – S-7-2010 – Approved**

**S-8-2010**

**Corbin Cul-De-Sac Subdivision – Amending Lot 1 Bingham Subdivision, Lot 1A LaGrange Park No. 1 Subdivision and Lot 15 West Haven No. 1 Subdivision  
3780 West 3100 South  
R-1-8 Zone**

**BACKGROUND**

Sarah Johnson with Parsons Brinckerhoff, and representing the Utah Department of Transportation, is requesting a plat amendment of lot 1 Bingham Subdivision, lot 1A LaGrange Park No. 1 Subdivision and lot 15 West Haven No. 1 Subdivision. The proposed plat amendment will also close Corbin Drive. The purpose for the amended subdivision plat is to accommodate a proposed continuous flow interchange (CFI) at 3100 South and Bangerter Highway.

**ISSUES:**

An application has been submitted by the Utah Department of Transportation to construct a



continuous flow interchange at 3100 South Bangerter Highway. The purpose for this interchange will be to improve traffic movement at this busy intersection. A public open house was conducted on August 18, 2010 wherein plans for this interchange were put on display.

When staff became aware of this pending application, a question was asked whether a neighborhood meeting had been held. Sarah Johnson responded that a neighborhood meeting was planned to specifically go over the proposed interchange and potential impacts to the adjacent area. A neighborhood meeting was held on October 27, 2010. Notices were delivered to each resident in the area consisting of 264 homes.

Staff requested that UDOT provide a letter to the Planning Commission outlining the reasons for this application and results of the neighborhood meeting. Staff appreciates Ms. Johnson's time and effort to explain the intersection problems and solutions that will result from the installation of the CFI. Rather than detail these issues in the staff report, staff would direct the Planning Commission's attention to the attached letter. Staff will however address issues related to the plat amendment.

The proposed interchange will impact the configuration of three lots in three different subdivisions to the west of Bangerter Highway and to the north of 3100 South. In addition, the residential communities north of 3100 South would be impacted by the proposed closure of Corbin Drive as residents would be using different travel patterns.

As a result of the CFI interchange, an acceleration lane is proposed west of Bangerter Highway which extends westward to approximately 3820 West. The length of this lane continues beyond Corbin Drive and thus the request to close this street with a cul-de-sac.

In order to provide sufficient right-of-way for this portion of the acceleration lane, UDOT will be acquiring property along the frontage of lot 1 Bingham Subdivision, and from lot 15 West Haven No. 1 Subdivision. UDOT will be purchasing the entire lot in the LaGrange Park No. 1 Subdivision.

The closure of Corbin Drive will culminate in an off-set cul-de-sac. This design has been chosen to lessen the impacts to properties on the west side of this street. The closure of Corbin Drive will require that the primary emergency access for lots north of 3100 South be gained from 2925 South. The Uniform Fire Code allows a single point of access to serve up to 30 lots. In this case there are 33 lots that are platted south of 2925 South. In order to provide secondary emergency access, removable bollards will be positioned at the end of the cul-de-sac adjacent to 3100 South. This will allow emergency vehicles the ability to remove the bollards should the need arise. The bollards will also be a deterrent for those residents who want to continue using this access even though curb and gutter will be installed along 3100 South.

The closure of Corbin Drive will have an impact for those residents living along 3825 West which is the street immediately to the west of Corbin Drive. A letter from a resident living along this street has been attached to the staff analysis that addresses this concern. UDOT's response is that while traffic is likely to increase it would not be excessive because the street will serve neighborhood traffic only.

Staff has discussed the proposed CFI with Erik Brondum, the City's Traffic Engineer. According to Mr. Brondum, the proposed CFI is designed with the least amount of impact to surrounding properties and will improve traffic movements along 3100 South and Bangerter Highway. He is therefore recommending approval of the plat amendment.

**STAFF ALTERNATIVES:**

- A. Approval of the plat amendment and closure of Corbin Drive to improve the safety of vehicles traveling in the area.
- B. Continuance to address issues raised during the Planning Commission meeting.

<b><u>Applicant:</u></b> Oanh Le-Spradlin	<b><u>Applicant:</u></b> Diego Carroll 488 Winchester St.	<b><u>Applicant:</u></b> Amalia Deslis	<b><u>Neutral:</u></b> Rhoda Burch 3826 Bentoak Dr.
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**Discussion:** Steve Lehman presented the application. Oanh Le-Spradlin stated that UDOT has worked with the community, traffic and safety professionals, and the City and have determined that the best option would be to cul-de-sac Corbin Drive. Amalia Deslis reviewed elements of the project including the substantial congestion and heavy left turn activity at this intersection. She indicated that it has been determined a partial continuous flow intersection will improve movement and safety in the area. She briefly explained what a CFI is and how it would function at this location. Diego Carroll explained that there will be raised medians on 3100 South that will help with the high volumes of traffic and to manage access to the area. Mr. Carroll indicated where sidewalks would be located and how pedestrian lights will function at the intersection. He emphasized that safety is the major concern in closing Corbin Drive. Mr. Carroll stated that the major concern he has heard from residents was an increase in traffic on 3825 South. He indicated that this increase in traffic will all be neighborhood traffic and UDOT does not foresee any increase in other traffic.

Phil Conder asked whether the City or UDOT would be responsible for the maintenance of this intersection. Oanh Le-Spradlin replied that anything that pertains to the safety of the intersection would be UDOT's responsibility, including the raised median on 3100 South. Commissioner Conder asked what the anticipated increase in signal time would be for this intersection. Ms. Le-Spradlin replied that she can't answer specifically what it would be for this intersection but explained that the one on 3500 South was an increase in about 30 seconds to the whole signal cycle for north and south left turn lanes. She indicated that something similar will likely be done for the left turn lanes on 3100 South. Commissioner Conder asked if Corbin Drive is being closed due to the proximity to the intersection. Mr. Carroll replied yes and explained that cars coming off of Bangerter will be accelerating and this causes a major safety concern for people turning onto 3100 South from Corbin Drive. He indicated that due to the proximity of the street to the intersection, there is not enough room for cars to maneuver. Joe Garcia expressed concern regarding speed limit and signage. Mr. Carroll explained that there will be speed limit signs as close to the intersection as possible. He added that there will be a red turn arrow for pedestrians. Commissioner Garcia asked if the pedestrian walkway will be

handicap accessible. Mr. Carroll replied yes and indicated that there are federal regulations that must be met. Terri Mills asked if window replacement has been taken into consideration for residential homes losing frontage. Ms. Le-Spradlin replied that the two nearest properties are being purchased and the home on the third property that was partially purchased will be relocated and moved further back.

Rhoda Burch explained that she is located at the back of the subdivision. She stated that she understands and accepts the closing of Corbin Drive and agrees that it will be beneficial to the safety of the neighborhood. Ms. Burch indicated that this change will still greatly affect residents. She requested that there be some sort of light or restriping of the road into the neighborhood to help residents gain access to 3100 South perhaps from 4000 West where there is currently a lighted intersection. Steve Lehman indicated that he will coordinate this issue with the City Traffic Engineer to look at this. Ms. Burch added that she is grateful the pedestrian walkways have been incorporated into the plan for the intersection.

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

**Motion:** Commissioner Conder moved for approval.

Commissioner Woodruff seconded the motion.

**Roll call vote:**

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

**Unanimous – S-8-2010 – Approved**

**PLANNING COMISSION BUSINESS**

Approval of minutes from November 10, 2010 (Regular Meeting) **Approved**  
Approval of minutes from December 1, 2010 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:17 p.m.

Respectfully submitted,

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Nichole Camac, Administrative Assistant