

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

July 11, 2012

The meeting was called to order at 4:05 p.m. by Chairman Brent Fuller at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Brent Fuller, Jack Matheson, Terri Mills, Phil Conder, Barbara Thomas,
and Imaan Bilic

ABSENT

Harold Woodruff and Joe Garcia

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Lee Logston, Steve Lehman, and DeAnn Varney

AUDIENCE

Approximately two (2) people were in the audience

GENERAL PLAN CHANGE APPLICATIONS

GP-2-2012

West Valley City

General Plan and Map Amendment

Fairbourne Station Vision Small Area Plan & Supporting General Plan Map & Text Changes

SUMMARY:

City staff is requesting a General Plan Amendment to adopt the Fairbourne Station Vision small area plan to replace the City Center Vision. The City Center Vision was adopted in 2004 to guide long term land use decisions for the area around the newly created City Center Redevelopment Area. This update is necessary for many reasons: as of 2012, many of the goals and action items in the City Center Vision have been achieved; a number of major projects will either be completed this year or will break ground; and the street structure, overall character, and theme of Fairbourne Station have now been determined.

This General Plan and Map amendment has three parts:

1. To adopt the Fairbourne Station Vision small area plan (Exhibit A).
2. To amend the text of the General Plan to reference and integrate the Fairbourne Station Vision into the rest of the Plan (Exhibit B).
3. To amend the General Plan Map to reference and integrate the newly defined Fairbourne Station Vision area, and to change designations of areas previously covered by the City Center designation (Exhibit C).

Public notice for this General Plan Amendment was not executed properly; therefore a continuance is necessary in order to complete public notice requirements.

STAFF RECOMMENDATION:

1. Continuance until a later date, so that public notice requirements may be met.

Applicant:

West Valley City

Discussion: Staff has requested that this item be continued since it was not properly noticed.

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

Motion: Commissioner Mills moved for continuance so that public notice requirements may be met.

Commissioner Bilic seconded the motion.

Roll call vote:

| | |
|-----------------------|-----|
| Commissioner Bilic | Yes |
| Commissioner Conder | Yes |
| Commissioner Matheson | Yes |
| Commissioner Mills | Yes |
| Commissioner Thomas | Yes |
| Chairman Fuller | Yes |

Unanimous -GP-2-2012- Continued

ZONE CHANGE APPLICATIONS

Z-5-2012

Cory Angell

4448 South and 4460 South 3600 West

A to R-1-8

0.60 acres

Cory Angell has requested a zone change for the east 0.60 acres of two parcels at 4448 South and 4460 South 3600 West that total 2.2 acres from A (agriculture) to R-1-8 (single family residential, minimum lot size 8,000 square feet). Surrounding zones include A to the west, north and south and R-1-6 (single family residential, minimum lot size 6,000 square feet) to the east. Surrounding uses include vacant ground to the west and north and single family homes to the east and south. The property is designated as low density residential in the General Plan.

The property at 4448 South 3600 West includes a duplex that was built in 1978. The zoning under the County's jurisdiction at that time was A-1, which allowed duplexes. The property at 4460 South 3600 West includes a single family home and a duplex that were both built in 1951. Zoning was not added to this area until 1965, so there were no zoning regulations in place that would have prevented a single family home and a duplex from being built on the same property. While the current A Zone does not allow duplexes or multiple dwellings on one lot, the existing structures are nonconforming because, at the time they were built, either the zoning did allow them or no zoning was in place.

The reason for the rezone is the applicant would like to subdivide the two parcels he owns into four: one parcel for each of the three existing buildings and one for the remaining vacant property (see attached concept). The two duplexes would still be nonconforming since the R-1-8 Zone, like the existing A Zone, does not allow duplexes. The single family home would be a conforming use. The duplex to the south would meet the minimum 8,000 square foot lot size but will need a variance for the lot width.

All three buildings are in need of repair. To address this need, the applicant has provided a list of proposed improvements, which is attached. Staff recommends that the City enter into a development agreement with the applicant to ensure that the proposed improvements are completed. In addition to the improvements proposed by the applicant, staff recommends the following additional improvements:

- The landscaping in at least the front yards of each of the developed lots shall be improved and/or replaced to meet the requirements in Section 7-14-105 (3)(f) of the Zoning Ordinance.
- Any damaged or missing siding on the single family home shall be replaced.
- The siding on the north side of the single family home shall be replaced to match the rest of the home.
- The carport on the north side of the single family home shall be repaired or removed.
- In conjunction with the roof conversion to a pitched roof, covered entries shall be added to the front of the north duplex.

During the study session, the Commission requested that staff consider how the remaining vacant property could be developed. Attached to this report is a concept prepared by staff that addresses this issue.

Staff Alternatives:

1. Approval of the zone change from A to R-1-8 subject to a development agreement. The development agreement shall include the commitments made by the applicant as well as the recommended improvements from staff.
2. Continuance, for reasons determined during the public hearing.
3. Denial.

Applicant:

Cory Angell
16 Altawood Drive
Sandy, UT 84092

Discussion: Steve Pastorik presented the application. Terri Mills asked why the rear property line doesn't run straight. Steve replied that this property must be slightly deeper than those surrounding it to meet the minimum 8,000 square foot requirement for the 'R-1-8' zone. He added that the development to the west would also be very tight if the line ran straight to the north. Barbara Thomas asked if the property to the west will be changed from agricultural. Steve replied no. Commissioner Thomas asked if there were any agricultural activities occurring on the property. Steve replied no.

The applicant, Cory Angell, stated that he is aware of everything that will be required in a development agreement and is okay with all the suggestions. Jack Matheson asked if the roofline will be changed on one of the duplexes. Mr. Angell replied that the roof will be pitched, two car garages will be constructed on each side, the brick will be replaced with rock or stucco siding, new windows will be added, and the interior will be completely remodeled as well. Commissioner Matheson expressed concern with the electrical panel being in front. Mr. Angel replied that this will be moved to the side. Commissioner Thomas asked if there is a basement in the duplex unit. Mr. Angell replied no and indicated that it is a split entry home. Commissioner Thomas asked if the other units have basements. Mr. Angell replied that the home

does have a basement and the duplex to the south doesn't really have a basement that will be finished.

The Planning Commission agreed that this seems to be a great improvement to the property.

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

Motion: Commissioner Conder moved for approval of the zone change subject to the development agreement that includes commitments made by the developer as well as any suggestions made by staff.

Commissioner Thomas seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Bilic | Yes |
| Commissioner Conder | Yes |
| Commissioner Matheson | Yes |
| Commissioner Mills | Yes |
| Commissioner Thomas | Yes |
| Chairman Fuller | Yes |

Unanimous -Z-5-2012- Approved

ZONE TEXT CHANGE APPLICATIONS

ZT-1-2012

West Valley City

Repealing Chapter 7-26 Transfer of Development Rights Overlay Zone

City staff has initiated an application to repeal Chapter 7-26, which is the Transfer of Development Rights (TDR) Overlay Zone. As a reminder, the TDR ordinance allows development rights to be transferred from a sending area, which is an area you're trying to preserve, to a receiving area or an area where development is appropriate.

As discussed during the study session, staff is requesting that this application be continued to the July 25th public hearing so that staff can discuss with the Commission open space and other concerns raised during the study session.

Staff Alternatives

1. Continuance, to allow time for further discussion of the issues raised during the study session.

Applicant:
West Valley City

Neutral:
Brent Rushton
5491 W 4100 S

Discussion: Steve Pastorik briefly presented the application.

Brent Rushton stated that he will not be in town on July 25, 2012 when this item will be heard. He stated that he has been involved in the property in question for most of his life. He indicated that this was a wetland property several years ago but the water has dropped significantly over the years. Mr. Rushton stated that the character of the property has changed and is now completely dry. He explained that he has never been contacted regarding TDR and the program hasn't been beneficial for him. Mr. Rushton stated that there is a negative implication for potential buyers when people see TDR on the property. He indicated that he would like his property to be viewed as a regular piece of land just like anyone else.

Brandon Hill stated that there were no noticing issues with this application but the GPZ item, which discusses open space preservation, was not properly noticed and should not be discussed.

Mr. Rushton stated that there are a couple possibilities for the land that have been discussed and he would like to have the option of developing if he chooses. Jack Matheson commented possible reason the water has dried up in this area is Magna Water Company pumping. Mr. Rushton agreed and stated that the water table was very close to the surface in the area but as Magna started to grow and develop this water became depleted. Mr. Rushton stated that both his family and Magna Water own water rights in the area. Commissioner Matheson asked if this land has ever been farmed. Mr. Rushton replied no and indicated it has only ever been used for livestock and wildlife.

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

Motion: Commissioner Thomas moved for continuance.

Commissioner Conder seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Bilic | Yes |
| Commissioner Conder | Yes |
| Commissioner Matheson | Yes |
| Commissioner Mills | Yes |
| Commissioner Thomas | Yes |
| Chairman Fuller | Yes |

Unanimous -ZT-1-2012- Continued

GENERAL PLAN ZONE CHANGE APPLICATIONS

GPZ-1-2012

West Valley City

Between 6800 West and 6000 West and between 2400 South and Parkway Blvd

General Plan change to reduce the preservation area along the Riter Canal

Zone change to remove the TDR-S Overlay Zone

160 Acres

West Valley City Planning staff has submitted a General Plan/zone change application for approximately 160 acres located between 6800 West and 6000 West and between 2400 South and Parkway Blvd. The property is currently zoned a combination of A (agriculture, minimum lot size of ½ acre) and A-1 (agriculture, minimum lot size of 1 acre) and includes the TDR-S Overlay Zone. The General Plan designation for this area is rural residential (1 to 2 units/acre) and light manufacturing. The General Plan also includes an open space preservation overlay for this area. The proposed General Plan change would reduce the open space preservation overlay from approximately 160 acres to 48 acres and the proposed zone change would remove the TDR-S Overlay Zone.

As discussed during the study session, staff is requesting that this application be continued to the July 25th public hearing so that staff can discuss with the Commission open space and other concerns raised during the study session.

Staff Alternatives

1. Continuance, to allow time for further discussion of the issues raised during the study session.

Applicant:

West Valley City

Discussion: Staff has requested that this item be continued since it was not properly noticed.

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

Motion: Commissioner Bilic moved for continuance so that public notice requirements may be met.

Commissioner Conder seconded the motion.

Roll call vote:

| | |
|-----------------------|-----|
| Commissioner Bilic | Yes |
| Commissioner Conder | Yes |
| Commissioner Matheson | Yes |
| Commissioner Mills | Yes |

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| Commissioner Thomas | Yes |
| Chairman Fuller | Yes |

Unanimous -GPZ-1-2012- Approved

SUBDIVISION APPLICATIONS

S-12-2012

Highbury Place PUD (North)

2850 South 5100 West

R-1-8 Zone

73 Lots

27.3 Acres

2.7 U/A

BACKGROUND:

Nick Mingo, representing Ivory Homes, is requesting preliminary approval for the Highbury Place PUD (North) Subdivision. The subject property is located east of the original Highbury Place PUD Subdivision and north of existing homes in the Greenbriar PUD Subdivision.

STAFF/AGENCY COMMENTS:

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modification to existing ditches or irrigation systems.
- Utilize existing soils report.
- Will need to address grading and drainage concerns.
- Will need appropriate easements for storm water and sewer connections.
- Revisions to plat required.
- Contact Salt Lake County for approval regarding street names and subdivision name.
- Fencing along waterways to be consistent with previous phases.

Building Division:

- Will need to evaluate Soils report.

Utility Companies:

- Standard Utility Easements required.

Fire Department:

- Project to meet all fire codes relating to this type of development.

ISSUES:

The proposed subdivision is the next phase of Ivory Homes takedown with Suburban Land Reserve Inc. As with previous land purchases in Highbury, this property also has a development agreement to guide the construction of new single family housing.

The preliminary plat consists of 73 lots on 27.3 acres. This equates to an overall density of 2.7 units per acre. The subdivision is being proposed as a planned community having traditional neighborhood characteristics and dedicated rights-of-way. The preliminary plat also denotes certain areas to be used as open spaces associated with the waterways. The following table illustrates the lot mix to be used in this development.

| Lot Size | Number of Lots |
|---------------------------|----------------|
| 6,500 – 8,000 square feet | 10 |
| 8,000 – 9,000 square feet | 16 |
| 9,000 –10,000 square feet | 25 |
| 10,000 + | 22 |

Housing for this subdivision will be based on the most recent Ivory Homes catalogue. As with other phases, should Ivory develop new plans to be used in this portion of Highbury, staff will have the opportunity to review them to make sure they comply with the development agreement.

Access to the subdivision will be gained from Highbury Parkway and from Sandwell Drive. Sandwell Drive will continue to the east and will provide a connection as land to the north and east develop in the future. All streets in the subdivision will be dedicated and will consist of a 54-foot right-of-way. This will allow a 5-foot parkstrip and 5-foot sidewalk. As stated in the development agreement, Ivory Homes will provide each home owner a landscape voucher that will include a provision for street trees.

In consideration of this application being a planned community, Suburban Land has provided a matrix of open space calculations for the Highbury portion of Lake Park. The total open space which includes trails, waterways and green space is 29.55 acres. If you consider all residential land to be developed as proposed by SLR in Highbury, the total open space is approximately 27%. This calculation does not include any of the open spaces planned for each of the multi-family developments and/or pocket park planned by Ivory Homes in Phase 7. In summary, the open space planned in Highbury exceeds what would be required in a typical planned community.

As in previous applications in Highbury, Ivory Homes has indicated their continued desire to have a basement for all homes. As this area is prone to high water, a soils report has been submitted. In general, water was encountered at a depth ranging from

5-10 feet below existing grades. Findings of the report and its impact will be more thoroughly explored during each of the subsequent final plat applications.

The subdivision is located next to one of many waterways planned for the overall development. In phases 2 and 3, Ivory installed a semi private fence along the rear property lines. This fence is constructed of Trex material and allows visibility into the waterway. This same fence type, or something very similar will be installed along those lots that sit adjacent to the waterway.

STAFF ALTERNATIVES:

- A. Grant preliminary approval for the Highbury Place PUD North Subdivision subject to the following conditions:
1. That the subdivision be guided by the design standards and all exhibits as previously reviewed and approved by the Planning Commission and City Council.
 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 Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection. The developer shall resolve all matters pertaining to these services and necessary easements prior to final plat review.
 4. That the developer coordinate all matters associated with any irrigation or open ditch systems with the City Engineering Division. The developer shall coordinate with any water users and the City Public Works Department as part of this recommendation.
 5. That the developer install fencing as outlined in the development agreement and that fencing along the waterway be consistent with that used in phases 2, 3 and 5.
 6. That conditions outlined in the soils report be followed.
 7. That the proposed development comply with all provisions of the West Valley City Fire Department.
- B. Continue the application to address issues raised by the Planning Commission.

Applicant:

Nick Mingo
978 E Woodoak Lane

Discussion: Steve Lehman presented the application.

Jack Matheson stated that there are new homes being built in phase 5 and asked if

these are spec lots. Mr. Mingo replied that most of the homes have been sold but there are a couple specs. He added that phase 6, which is 9 lots, and phase 7, which is 31 lots, will be coming soon as well as construction on some townhomes. Commissioner Matheson asked if a premium will be charged for homes on the canal. Mr. Mingo replied yes. Commissioner Matheson asked if similar fencing will be used that has been done elsewhere in the development. Mr. Mingo replied yes. Commissioner Thomas stated that there is an odd shaped lot and questioned if the tip could be removed to make it easier to develop. Mr. Mingo stated that this is something that will be looked at but is an awkward piece of property either way. Commissioner Thomas asked why the smaller lots are placed where they are. Mr. Mingo replied that he isn't sure but indicated that it may be because they have the advantage of open space directly across the street. Commissioner Thomas asked if sidewalks are on both sides of the road. Mr. Mingo replied yes. Commissioner Mills asked what size the smallest lot is. Steve replied that the smallest lot is 6,500 square feet. Mr. Mingo replied that it is difficult to determine what the market wants in regard to lot size. Commissioner Thomas asked if any residents have expressed concern with traffic on 5600 West. Mr. Mingo stated no. He indicated that many residents are eager for phase 7 to be constructed so that there is a pedestrian connection to the school.

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

Motion: Commissioner Matheson moved for approval subject to the 7 staff conditions.

Commissioner Mills seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Bilic | Yes |
| Commissioner Conder | Yes |
| Commissioner Matheson | Yes |
| Commissioner Mills | Yes |
| Commissioner Thomas | Yes |
| Chairman Fuller | Yes |

Unanimous -S-12-2012- Approved

S-11-2012

Highbury Place Subdivision – Phase 6

2850 South 5150 West

R-1-8 Zone

9 Lots

2.7 Acres

BACKGROUND:

Nick Mingo, representing Ivory Homes, is requesting final plat approval for the 6th phase of the Highbury Place Subdivision. The proposed subdivision is located east of phase 5 and

south of the existing waterway along Highbury Parkway. Property to the east and south of this phase is vacant and will be platted as additional phases of Highbury in the future.

STAFF/AGENCY COMMENTS:

Public Works:

- Authorization required of ditch/water users for any abandonment, relocation, piping or any other modification to existing ditches or irrigation systems.
- Follow recommendations outlined in the soils report.
- Will need to address grading and drainage concerns.
- Will need appropriate easements for storm water and sewer connections.
- Revisions to plat required.
- Contact Salt Lake County for approval regarding street names and subdivision name.

Building Division:

Follow recommendations outlined in the Soils report.

Utility Companies:

Standard Utility Easements required.

Fire Department:

- Project to meet all fire codes relating to this type of development.
- Hydrants to be shown on plat.

ISSUES:

Ivory Homes is requesting final approval for the 6th phase of the Highbury Place Subdivision. This phase consists of 9 lots on 2.7 acres. Lot sizes range from 8,521 square feet to 13,742 square feet. The average lot size in this phase is just over 10,000 square feet.

Access to the subdivision will be gained from Sandwell Drive located to the west. This phase will extend Sandwell Drive to the east for future development. All streets in the subdivision will be dedicated and will consist of a 54-foot right-of-way. This will allow a 5-foot parkstrip and 5-foot sidewalk. Ivory Homes has submitted a tree planting plan for the entire Highbury Place Subdivision. Ivory will provide home owners with a voucher to purchase and plat these trees. The residential HOA will ensure that trees are planted and maintained in accordance with the approved plan.

The Planning Commission and City Council have reviewed and approved a development agreement for the entire Highbury community. This agreement addresses dwelling size, building materials and other items related to the construction of residential homes. Staff believes that the requirements outlined in this agreement have created a unique community with a variety of housing options along with ample open space and recreational opportunities.

Ivory Homes is planning on installing basements for all homes. A soils report has been prepared which indicates that ground water was encountered at a depth ranging from 9-13 feet below existing grades. All homes are eligible for basements and will comply with the water table elevation as noted on the plat. In addition, Ivory will be installing a sub-drain system to provide an extra measure of protection for new home owners.

STAFF ALTERNATIVES:

- A. Grant final plat approval for the 6th phase of the Highbury Place Subdivision subject to the following conditions:
1. That the subdivision be guided by the design standards and all exhibits of the development agreement dated December 2008.
 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 Granger Hunter Improvement District i.e., water line extensions, connections, water rights and fire protection.
 4. That the developer coordinate all matters associated with any irrigation or open ditch systems with the City Engineering Division. The developer shall coordinate with any water users and the City Public Works Department as part of this recommendation.
 5. That the developer follow all recommendations outlined in the soils report. The proposed sub-drain system shall be reviewed and approved by the City Engineering Division.
 6. That the proposed development comply with all provisions of the West Valley City Fire Department.
- B. Continue the application to address issues raised by the Planning Commission.

Applicant:

Nick Mingo
978 E Woodoak Lane

Discussion: Steve Lehman presented the application.

Nick Mingo, the applicant, stated that the three lots on the south fit every Ivory home in the catalog. Throughout the subdivision there are still many options for people to choose as well. Jack Matheson asked what the demand for three car garages is. Mr. Mingo replied that he isn't sure what the specifics are but indicated that it seems many people do want three car garages but find them difficult to fit on their property. Commissioner Conder asked which way lots 601 and 606 will front. Mr. Mingo replied that they will front into the cul-de-sac.

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

Motion: Commissioner Thomas moved for approval subject to the 6 conditions.

Commissioner Conder seconded the motion.

Roll call vote:

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|-----------------------|-----|
| Commissioner Bilic | Yes |
| Commissioner Conder | Yes |
| Commissioner Matheson | Yes |
| Commissioner Mills | Yes |
| Commissioner Thomas | Yes |
| Chairman Fuller | Yes |

Unanimous -S-11-2012- Approved

PLANNING COMISSION BUSINESS

Approval of minutes from June 27, 2012 (Regular Meeting) **Approved**

Approval of minutes from July 3, 2012 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:47 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant