

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

July 25, 2012

The meeting was called to order at 4:05 p.m. by Vice-Chairman Phil Conder at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Jack Matheson, Phil Conder, Joe Garcia, Barbara Thomas, and Imaan Bilic

ABSENT

Brent Fuller and Terri Mills

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Lee Logston, and Nichole Camac

AUDIENCE

Approximately thirty-six (36) 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

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.

The Fairbourne Station Vision contains sections on:

- The purpose of the document and explanation of the Fairbourne theme
- Fairbourne Station area & amenities
- Relationship of the Fairbourne Station Vision to the City Center Vision
- Timeline of accomplishments since the City Center Vision was adopted
- Overall development objectives and transit oriented development principles
- A revised land use map based on the new street network design
- A vision statement, list of goals, and list of issues for each street within Fairbourne Station

The Fairbourne Station Vision addresses a smaller land area than the City Center Vision (reference the City Center Vision Land Use and the Fairbourne Station Future Land Use maps for comparison). Because the redevelopment of Valley Fair Mall is largely complete and final phases are underway, it was not included in the Fairbourne Station Vision. Areas on the east side of the I-215 interchange, as well as areas west of 3200 West and a small area north of 3500 South were all eliminated from this plan due to connectivity and access issues, and because they are not within the City Center zone.

The effect on the General Plan Map is that the Fairbourne Station Vision will cover the area bounded by 3200 West, 3500 South, Constitution Blvd., and Lancer Way. Several areas previously designated as City Center (Valley Fair Mall, north of 3500 South, and west of 3200 West) will now be designated as General Commercial on the General Plan Map. Portions of land east of I-215 on either side of 3500 South will be designated as Entertainment and General Commercial.

The Fairbourne Station Vision will become the basis of a needed revision to the City Center Zone Ordinance, which will provide design standards for each street. The Vision will help to ensure West Valley City's goal of creating a premiere transit oriented development and true city center.

During the study session on July 18, questions arose regarding the residential densities indicated on the Fairbourne Station Vision Future Land Use Map. It should be noted that some density designations on the map reflect what is currently built, or reflect densities not much higher than what is currently built. Coventry Manor is currently high density at 13.2 units per acre, and Valley Fair Village is currently high density at 17.8 units per acre. As an option to the Future Land Use Map in the draft Vision, we have included an alternative map (Option A) featuring reduced densities.

Questions also arose regarding which schools would serve new residential development in Fairbourne Station. Children from any new residences built within Fairbourne Station south of 3500 South would go to Rolling Meadows Elementary School, Valley Middle School, and Granger High School. Children from any new residences built north of 3500 South would go to either Hillsdale or Stansbury Elementary Schools, West Lake Middle School, and Granger High School.

There are three recommended changes to the General Plan as part of this application:

1. To adopt the Fairbourne Station Vision small area plan (Exhibit A).

Adoption of the Fairbourne Station Vision achieves several General Plan Goals and Actions:

- Goal 3.1: Develop more detailed plans addressing specific areas within the City or complex topics.
 - Action 3.1.1: Identify small areas to begin preparing specific plans to provide more detail for orderly growth and appropriate development. These master plans should complement the General Plan while providing greater land use detail and urban design criteria...that will help the particular area to achieve anticipated or desired changes.
- Goal 3.3: Encourage transit-supportive land uses around transit stations.
 - Action 3.3.1: Develop a zoning strategy to provide for mixed use and Transit Oriented Development (TOD) around TRAX and BRT stops.
- Goal 5.3: Promote high quality development and redevelopment along commercial major corridors like 3500 South...and near BRT and light rail stations.
 - Action 5.3.3: Develop small area plans as time and resources permit for specific corridors or other areas in the City where specific design standards are desired.

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).

There are a number of sections of text in the General Plan where the City Center Vision is referenced. Each of these will need to be changed to reference the Fairbourne Station Vision. Additionally, some references to land no longer included in the planning area need to be modified or created. These text changes are detailed in 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).

The changes to the General Plan Map necessitated by the smaller area covered by the Fairbourne Station Vision are detailed in Exhibit C.

STAFF ALTERNATIVES:

1. Approval of the Fairbourne Station Vision and supporting General Plan amendments as submitted.
2. Approval of the Fairbourne Station Vision and supporting General Plan amendments subject to revisions as determined at the public hearing.
3. Continuance, for reasons determined at the public hearing.

Applicant:

West Valley City

Neutral:

Tom Bruchen
3245 Lehman Ave.

Neutral:

Gary Hoesch
2928 Lemay Ave.

Discussion: Lee Logston presented the application. Phil Conder asked what institutional means as referenced on the proposed map. Lee replied this is an area that could be designated for educational or governmental type land uses. He stated that there are no particular plans for any of the proposed changes and indicated that this application is simply to accept potential land use recommendations for the area and to change text to reflect Fairbourne Station.

Tom Bruchen asked if properties in the area of Lehman Avenue will be zoned commercial. Lee replied that this area will not be commercial. Gary Horsh stated that he cannot determine what is changing in his area north of 3500 South. Steve stated that whenever there is a change to the General Plan a notice is sent out to people within 300 feet of an effected area. He indicated that this doesn't mean that anything will be changing specifically on his exact street.

Jack Matheson stated that there will be no high density residential north of 3500 South if option A is adopted. Barbara Thomas agreed and stated that option A seems more logical.

There being no further discussion regarding this application, Vice-Chairman Conder called for a motion.

Motion: Commissioner Thomas moved for approval of the Fairbourne Station Vision and supporting General Plan amendments subject to the "option A" map provided by staff.

Commissioner Garcia seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Vice- Chairman Conder	Yes

Unanimous -GP-2-2012- 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. This ordinance was first adopted in 2000 and was amended in 2001 and 2007. Staff is recommending that the ordinance be repealed for five reasons:

1. the purposes of the ordinance have been accomplished to a certain degree,
2. given the recession that we are still recovering from, the economics of the system are, in staff's opinion, no longer viable,
3. remaining property owners within the sending area plan on developing their land instead preserving their land as open space through transferring development rights,
4. changing conditions within the sending area make open space preservation less likely and less desirable, and
5. when balancing the practicality and fairness of the development requirements imposed on development, staff believes that with all of the other requirements imposed on development, TDR under current market conditions can make development very difficult if not impractical.

Purposes of the Ordinance

The following is a list of the purposes outlined in the ordinance:

- To promote development in areas that more appropriately accommodate growth by providing the opportunity to increase density in those areas.
- To encourage the preservation of public open space, wetland habitats, and upland habitats located in West Valley City which are designated in the West Valley City General Plan as important to preserve.
- To establish a well maintained park and trail system.
- To discourage development of environmentally sensitive lands with high water tables and/or wetland conditions by allowing the transfer of density from such property.
- To prevent flooding by preserving land for storm water detention.

Since the adoption of the ordinance, six developments have utilized the TDR ordinance to increase density. Two were single family developments and four were townhome/condo developments. Over 46 acres of property have been acquired by the City through a combination of development rights transfers, State grant funds and storm water utility funds. No development has occurred on the City acquired land. The 46 acres that have been acquired are sufficient to meet the City's needs for storm water detention in the area.

Economics

Between 2000 and 2008, residential development was moving along at a fairly rapid pace of around 600 dwelling units a year. Over the last three years, residential development has averaged 135 dwelling units a year. In order for the TDR ordinance to work effectively, there needs to be a strong market for residential development.

One of the options in the TDR ordinance allows a developer to appraise a receiving site property before and after a rezoning and make a payment in-lieu of development rights that is equal to half of the value difference of the before and after value. Prior to the recession, the applications that took advantage of this option saw an increase in the value of the property after a rezoning for higher density. Due to the recession, the value of receiving site properties has dropped to below before rezoning values.

No apartment developments have utilized the system. This is likely due to the heavy development credit requirement that results from upzoning to apartments. As discussed in the study session on July 11, 2012, an analysis of the recent Castlewood Development application in Highbury showed the financial impact of TDR compliance would range from \$840,000 to \$1,400,000 depending on whether the payment in-lieu of development rights method is used.

Property Ownership

There are approximately 160 acres within the TDR sending site overlay zone. The City owns 46 acres of the 160. About 107 acres are privately owned and the owners have not expressed interest in utilizing the TDR ordinance to preserve their property as open space. Instead, it is staff's understanding that they plan on developing their property. Since participation of sending site property owners is voluntary, if the sending owners choose not to participate, the ordinance is no longer effective. The remaining 7 acres is owned by Magna Water and Kennecott.

Changing Conditions

The City Council recently authorized a study to evaluate the potential of forming a large economic development area (EDA) in the northwest portion of the City. EDA's allow the City to utilize tax increment to provide incentives to attract new employment. If this EDA is approved, it would encompass most of the TDR sending site.

The City's Economic Development staff has been working on two large, light industrial developments to the southwest and northeast of Rocky Mountain Raceway. To provide better access to these anticipated developments, the City will be making improvements to

the south frontage road and extending 6400 West to the north to connect with the frontage road. The anticipated light industrial development together with the planned road improvements will make development within the sending area much more likely.

As indicated by Brent Rushton during the July 11th meeting, the Rushton property north of the Riter Canal included standing water fed by artesian wells when the TDR sending area was put in place. However, over time the property has dried up. Staff confirmed this through air photos from 2005 where standing water is clearly seen and from 2010 where the property is mostly dry.

Balancing Development Requirements

Over the years, the City has adopted several requirements/policies to encourage open space and higher quality development. These requirements/policies include design standards, open space requirements, impact and development fees, road improvements, development agreement upgrades and TDR. Of course, these various requirements add cost to development and the City must balance the desire for higher quality with the practical constraints of the market. Staff's opinion is that TDR, when added to other development requirements under current market conditions, can make development very difficult if not impractical.

Staff Alternatives

1. Approval of the application to repeal Chapter 7-26.
2. Continuance for reasons determined during the public hearing.
3. Denial the ordinance should remain unchanged.
4. Denial the ordinance should be modified.

Applicant:
West Valley City

Neutral:
Spencer Young
6555 W 5600 S

Discussion: Steve Pastorik presented the application. Barbara Thomas asked how a developer would currently know where the "sending area" is. Steve replied that it is a designated overlay on the zoning map. Commissioner Thomas asked if the TDR Overlay would impact the sale of a property. Steve replied it would not as long as the buyer intended to use it for an industrial use. Phil Conder stated that the TDR ordinance and overlay have been in place for 12 years and have been utilized a handful of times. He asked what will happen to properties that have utilized TDR. Steve replied that some have been completed, some are bound by a development agreement, and any new developments that would have to meet TDR requirements will no longer need to do so if this change is approved. Staff and the Planning Commission discussed the map and changes for the area. Steve clarified that the zoning does not change with this application. He stated that this change would only eliminate the overlay zone.

Spencer Young stated he owns the racetrack property and a small "L" shaped piece within the property being discussed. Steve stated that this piece is currently part of the overlay but if this application were approved by the Planning Commission it

would no longer be.

Jack Matheson stated he has not been in favor of TDR since it was first proposed and is still not in favor of it today. He stated that doesn't like the potential for a high density development to be constructed next to a single family zone. Barbara Thomas stated that this hasn't happened. She added that she felt it was beneficial because it helped property owners sell something rather than be stuck with property that had very little value.

There being no further discussion regarding this application, Vice- Chairman Conder called for a motion.

Motion: Commissioner Matheson moved for approval of the application to repeal Chapter 7-26.

There was no second on the motion.

Vice-Chairman Conder called for a second motion.

Motion: Commissioner Thomas moved for approval of the application to repeal Chapter 7-26. The Planning Commission encourages staff to propose an ordinance that will still allow TDR to be an option in the future but not a requirement.

Commissioner Woodruff seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Garcia	Yes
Commissioner Matheson	No
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Vice- Chairman Conder	Yes

Majority -ZT-1-2012- Approved

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 46 acres and the proposed zone change would remove the TDR-S Overlay Zone.

Staff is proposing to remove the TDR-S Overlay Zone as part of the repeal of the Transfer of Development Rights (TDR) Overlay Zone Ordinance. The reasons behind the repeal of the TDR ordinance are outlined in the staff report for ZT-1-2012.

The reasons for the reduction of the open space preservation area in the General Plan are outlined below:

- The 46 acres that would remain within the open space preservation area have been acquired by the City.
- The City Council recently authorized a study to evaluate the potential of forming a large economic development area (EDA) in the northwest portion of the City. EDA's allow the City to utilize tax increment to provide incentives to attract new employment. If this EDA is approved, it would encompass most of the TDR sending site.
- The City's Economic Development staff has been working on two large, light industrial developments to the southwest and northeast of Rocky Mountain Raceway. To provide better access to these anticipated developments, the City will be making improvements to the south frontage road and extending 6400 West to the north to connect with the frontage road. The anticipated light industrial development together with the planned road improvements will make development within the sending area much more likely.
- The owners of about 107 acres of the area designated as open space preservation intend to develop their property and do not wish to participate in the TDR ordinance.
- Part of the purpose behind the open space preservation area was to preserve land for storm water detention needs. The 46 acres of property that have been acquired by the City are sufficient to meet the storm water detention needs of the area.
- Another purpose behind the open space preservation area was to preserve what were considered to be wetlands at the time. During the mid to late 90's, the City commissioned a general wetlands study to identify wetlands within the northwest portion of the City. Since that study was completed, there have been several site specific studies done that have shown that either the wetlands delineated in the City study were no longer deemed wetlands or that the area of the wetlands was less than what was shown in the City study. Also, as discussed in the study session on July 3rd, recent case law has limited the scope of what are considered wetlands.
- Staff received a letter from Brent Rushton, which is attached, that outlines his reasons for removing both the TDR-S Overlay Zone and the open space designation in the General Plan from his family's property.

Staff also received a letter from David and Linda Capalbo, which is attached.

Staff Alternatives:

1. Approval of a General Plan/zone change.
2. Continuance, for reasons determined during the public hearing.
3. Denial, the General Plan and zoning map should remain unchanged.

Applicant:

West Valley City

Discussion: Steve Pastorik presented the application. Jack Matheson stated that a letter was received by David and Linda Capalbo and indicated that many of their ideas seem valuable. Steve replied that there are proposed trails along the Riter Canal in the General Plan but no current plans for Parkway Blvd.

There being no further discussion regarding this application, Vice-Chairman Conder called for a motion.

Motion: Commissioner Woodruff moved for approval of the General Plan/zone change.

Commissioner Bilic seconded the motion.

Roll call vote:

Commissioner Bilic	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Vice-Chairman Conder	Yes

Unanimous -GPZ-1-2012- Approved

There being no further business, the meeting adjourned at 4:43 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant