

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

September 12, 2012

The meeting was called to order at 4:06 p.m. by Chairman Phil Conder 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, Barbara Thomas, and Imaan Bilic

ABSENT

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Steve Lehman, and Nichole Camac

AUDIENCE

Approximately sixteen (16) people were in the audience

GENERAL PLAN CHANGE APPLICATION

GP-3-2012

Tim Soffe with ASWN+JSA Architecture

2600 South Anna Caroline Drive

**General Plan change from medium density residential to high density residential
13.9 Acres**

Tim Soffe with ASWN+JSA Architecture is requesting a change to the General Plan from medium density residential (7 to 12 units/acre) to high density residential (12 to 20 units/acre) on 13.9 acres of property located at approximately 2600 South Anna Caroline Drive. This application also includes a request to replace a development agreement for this property that was entered into back in 2008. The subject property is currently zoned RM (multi-family residential). Surrounding zoning includes C-2 to the east, A-1 to the west, A to the north and A and C-1 to the south. Surrounding uses include the Winco shopping center to the east, the Riter Canal to the north, single family homes and vacant property slated for a dentist office to the south and vacant property to the west. UDOT owns the property directly west where the first phase of the Mountain View Corridor is planned to be constructed by the year 2020.

Development Proposal

Attached to this report are the concept plan and elevations for the proposed project on this site. The project includes 278 rental units with 38, 2 story townhomes and 240 apartments in 3 and 4 story buildings to be built by Miller Development, the company that built and now owns the E Gate Apartments north of the Maverik Center. Each townhome unit has a 2 car garage and each apartment building includes tuck-under garages in addition to surface parking. A pool, clubhouse and over 5 acres of open space are proposed as amenities. Also included with this report is a letter from Mr. Soffe that supports this application as well as proposed language for a new development. In summary, the stated reasons for the change to the General Plan and development agreement are:

- The townhome development on the property was not successful.
- The property is better suited for rental product given its location between the Mountain View Corridor and the Winco anchored retail center.
- There is limited to no impact on neighborhood roads.
- A market study has indicated a demand for more rental product in the area.
- The project will include high-quality finishes and amenities and will be professionally managed.

Issues

To staff, the most important question for this application is this – are high density apartments a better or more appropriate use than townhomes at this location?

Project Density

The density allowed on this property is limited in two ways. First, the density allowed in the RM Zone is tied to the General Plan land use designation. With the current General Plan land use designation of medium density, the maximum density allowed by zoning is

12 units/acre. If this application is approved, the maximum density allowed by zoning would be 20 units/acre.

The density allowed on this property is also limited by a development agreement that the City entered into in 2008 with the developer Colony Partners, LLC. In this agreement, the maximum number of units allowed was 150 townhomes; however, the preliminary plan for Harker's Landing (which is attached) approved by the Planning Commission had 138 units for a density of 10 units/acre. So, while technically the development agreement allows up to 150 units, the site has only been approved for 138 units. Mr. Soffe is proposing to 278 units on the property.

Project Comparison

The table below includes some metrics for comparison between the approved townhome concept and the proposed apartment concept.

	Approved Townhome Concept	Proposed Apartment Concept
Total # of Units	138	278
Density	10.1 units/acre	20 units/acre
Building Height	2 stories	2, 3 and 4 stories
Open Space	6.98 acres	5.07 acres
Product Type	For Sale	For Rent

Market versus Long Term View

The applicant submitted a market study with this application that indicates that there is a demand for apartments in this area. A copy of the executive summary, a summary of comparable rentals and a table of developing projects from this study are attached. Staff is seeing renewed interest in townhomes as evidenced by the submittal of the first phase of the Villages at Westridge PUD and the recent rezone request for property just east of Redwood Road on the south side of 3860 South. So, while an apartment development may be the easiest to build in the short-term, staff believes that a townhome development is still viable – it may just take longer to develop.

While current market conditions should be considered, they should not be the sole reason for making a land use decision. The Planning Commission must also consider what is appropriate for the area while considering the surrounding neighborhood and City goals. The Planning Commission should also consider what is best for the City long term. On the east side of 5600 West in the Highbury development there are already 209 units in the Liberty Commons Apartments and zoning was recently approved for 290 more apartments in Highbury.

Crime

During the study session the issue of crime in apartment complexes was raised. Mr. Soffe provided the attached letter from Lieutenant Brophy with the West Valley City Police Department that addresses his experience with the E Gate Apartments. Staff also contacted the Police Department and obtained the information in the table below

regarding calls for police service for the first 8 months of 2012. For a point of reference, in 2011 there were a total of 103,197 calls for police service, resulting in a monthly average of 8,600.

Property Name	Address	# of Units	Calls from 1/2012 to 8/2012	Calls/Unit
Hidden Point (Brookwood)	3854 W Rockwood Way	216	291	1.35
Tuscany Cove	3856 W 3500 S	252	132	0.52
Overlook Point	4612 S 2930 W	304	292	0.96
Somerset	3810 S Redwood Rd	486	376	0.77
Shadowbrook	3860 S 1845 W	288	208	0.72
Village at Rivers Edge	1251 W Village Main Dr	244	157	0.64
Buena Vista	4425 S Christopherson	80	145	1.81
Emerald Court	4000 S Redwood Rd	438	366	0.84
Aspenwood	4139 S 4080 W	172	238	1.38
E Gate	2982 S Decker Lake Dr	304	231	0.76

Project Quality

Staff believes that townhomes are more appropriate at this location. The approved townhome plan included larger units, 2 car garages, more open space and half the number of units. If the Planning Commission decides that apartments should be allowed on the property, staff would ask that this application be continued to allow time to refine the development agreement and concept plan.

Staff Alternatives:

1. Denial, the General Plan should remain unchanged.
2. Continuance, to allow time for the applicant and staff to amend the concept plan and development agreement.
3. Approval of the General Plan change subject to a development agreement that includes the commitments made by the applicant.

Applicant:

Tim Soffe
 5151 S 900 E

Neutral:

Darrin Liddell
 5107 S 900 E
 Suite 200

Applicant:

Troy Sanders
 5151 S 900 E

Neutral:

Amber Huntsman
 5640 S Riley Lane

Neutral:

Johnny Clawson
 5107 S 900 E

Neutral:

Jay Minnick
 5340 S Riley Lane

Discussion: Steve Pastorik presented the application.

Darren Liddell stated that he is an independent appraiser and conducts market studies. He indicated that an important aspect of a market study is looking at the area and determining the best use for the land. He indicated that a large multi-family development would be a good use for this property in terms of demand and surrounding uses. Phil Conder asked if the “best use” is based on today’s market values. Mr. Liddell replied studies are usually projected at the time of a project’s completion. Joe Garcia asked what defines multi-family. Mr. Liddell replied that anything other than single family is considered multi-family but high density multi-family is over 15 units per acre. Brent Fuller asked if “best use” is based on an economic land use. Mr. Liddell replied yes. Barbara Thomas asked if traffic and transportation in the area are taken into consideration. Mr. Liddell replied yes and indicated that circulation would be adequate in the area with the introduction of this proposed apartment complex. Terri Mills asked if neighboring properties are considered. Mr. Liddell replied yes. Jack Matheson asked if “for sale” vs “for rent” are considered in market studies and the projected success of a project. Mr. Liddell replied yes.

Troy Sanders and Tim Soffe provided a PowerPoint presentation and indicated that the original project was a good development concept. He reviewed the history of the project and stated that 5 townhome units were built and sold within the last 5 months at a significant loss to the developer. Mr. Sanders stated that it seems logical to wait for the market to return however there has been a significant amount of commercial development along 5600 West including the Winco store to the east of this property and the Mountain View Corridor will be built to the west. He stated that with the intensity of surrounding uses as well as the fact that the Mountain View Corridor will be elevated at this location contribute to the idea that apartments would be a better land use than owner occupied townhomes. Mr. Sanders stated that adjacent land uses, environment impacts (noise and light), lending problems, changing demographics, and transit are all factors that seem to indicate that a rented community would be more successful than an owner occupied one. Mr. Soffe stated that many people were forced to rent out units that were once owner occupied in the past several years due to the crash in the housing market. He indicated that an apartment complex will provide management, well maintained units, etc.

Johnny Clawson stated that he is a mortgage broker. He indicated that since the market has changed over the past few years many good projects have failed to be successful. He stated that lenders are not willing to take the same risks they once took and if this site were to proceed with the current zoning and designation of townhomes, getting a loan for development will likely be difficult. He stated that from a lending standpoint the best option for this property would be a high density multi-family development. Mr. Clawson indicated that the demand for apartments are high and apartment vacancies are low. He stated that the Miller Company has a good reputation and he feels this would be a successful development for the area.

Mr. Sanders described the proposed development. He stated that the four story units will be constructed on the west side of the development to provide a buffer from the Mountain View Corridor for the rest of the neighborhood. Mr. Soffe added that there are 5 acres of open space which he feels is significant for such a dense multi-family project. Mr. Sanders stated that the townhomes along Anna Carolina make a very continuous and harmonious street. He indicated that all units will be a high quality, class A product. Commissioner Matheson asked if the proposed townhomes are similar to mansion homes. Mr. Soffe replied yes. He indicated that everything, including the existing townhomes, will be managed by a single group and added that this proposed concept is a good mix of product to buffer the intense surrounding uses. Mr. Soffe added that this is a nice area of the City and everything will be of the highest quality.

Commissioner Garcia asked about the security of the neighborhood and expressed concern with E-Gate apartments (also developed by Miller Company). Amber Huntsman stated that the E-Gate apartments have police patrol every night with 3 or 4 off duty officers. She stated that car thefts and break-ins happen everywhere, not just in apartment complexes. Ms. Huntsman indicated that according to stats provided by the City, E-Gate Apartments have some of the lowest reported crime rates for major apartment complexes in West Valley. She added that police officers are in marked cars and also have access to surveillance cameras that are used throughout the complex. Commissioner Thomas asked if there are more crimes committed in apartment complexes versus town home developments. Jay Minnick replied that crime has no address and there isn't a significant difference between the two housing types.

Commissioner Thomas asked if there will be a trail system regardless of which development is constructed. Mr. Soffe replied yes. Commissioner Thomas asked if there will be an interchange at this location for the Mountain View Corridor. Steve replied that there will be a partial one with ramps on the south side of the freeway but not the north. Commissioner Thomas asked if there will be sound walls. Steve replied that this is something UDOT will look into when the freeway is constructed but sound walls may not work here since the road will be elevated. Mr. Soffe replied that triple glazed windows, extra insulation, etc. can be used to block noise on the units nearest the freeway. Commissioner Matheson asked if any units will be for sale. Mr. Soffe replied no and indicated that there seems to be no market for owner occupied units in this area.

Harold Woodruff asked if Anna Carolina is still not planned to go further north. Steve replied that it will likely extend further north eventually when funds can be acquired to construct a bridge over the existing canal. Commissioner Woodruff questioned if the 2700 south intersection is functioning better. Steve replied that there were some improvements to the road, as well as a double left turn lane, and staff is unaware of any major problems. Terri Mills indicated that there are significant traffic concerns here during rush hour. Steve stated that the Mountain View Corridor is designed to alleviate traffic on 5600 West which will likely help

with this intersection as well.

Commissioner Matheson stated that he would not buy in this area but added that he would like to continue this in order to settle on a more firm development agreement. Brent Fuller agreed. Joe Garcia stated that he believes there needs to be more ownership in the City and indicated that apartments would be better suited near City Center. He added that the amenities do not seem large and significant enough to accommodate a community of this size. Commissioner Thomas agreed and stated that she doesn't feel high density makes more sense than townhomes would. Commissioner Mills stated that she looks into community, schools, etc. when looking for a home and feels that this is a good area that some people would like to purchase property in.

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

Motion: Commissioner Garcia moved for denial.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Bilic	n/a
Commissioner Fuller	No
Commissioner Garcia	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Majority -GP-3-2012- Denied

SUBDIVISION APPLICATIONS

SNC-1-2012

2515 West to Kendrick Drive

2515 West 3050 South

BACKGROUND:

Mr. William Kendrick, is requesting consideration to add a street name to the existing street of 2515 West. Mr. Kendrick informed staff that individuals, including emergency services have a difficult time finding 2515 West. For this reason, they are proposing to add the name Kendrick Drive to the existing street.

The street coordinate of 2515 West is located within three different subdivisions. The Lakeside Phase 1, 3, and 4 subdivisions were recorded in 1962, 1969 and 1977 respectively. It is proposed that the street name be added to the existing street coordinate of 2515 West and along the south street running parallel to 3100 South. The north

portion which has a coordinate of 2975 South will remain unchanged. Should this application be approved by the Planning Commission and City Council, the City Public Works Department will install new street signs with these changes.

While doing research for this application, staff noticed that in September 1973, the Salt Lake County Planning Commission actually approved this same request. Why the name was not changed is not known, but a petition from residents living along this street at that time was reviewed and approved.

In order to change the street name, the Planning Commission would need to forward a recommendation to the City Council. If the name changed is approved by the City Council, an ordinance would be recorded that would ratify the street name change.

RECOMMENDATION:

1. Approve the request to add the street name Kendrick Drive to the street coordinate 2515 West and along the south street immediately to the north of 3100 South.
2. Continue the application due to issues raised at the public hearing.

Applicant:

William Kendrick
2515 W 3019 S

Discussion: Steve Lehman presented the application. William Kendrick replied that this property has been in the Kendrick name since the 1800's. Mr. Kendrick stated that the entire area was once owned by the Kendrick family and provided a brief history. Staff and the Planning Commission had no further questions or concerns.

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

Motion: Commissioner Thomas moved for approval of the request to add the street name Kendrick Drive to the street coordinate 2515 West and along the south street immediately to the north of 3100 South.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Bilic	n/a
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes

Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous -SNC-1-2012- Approved

PUD-1-2012

The Villages at Westridge PUD – Phase 1

Henry Walker Homes

R-1-4 & C-2 Zones

36 Lots

4.3 Acres

BACKGROUND

Phil Holland, representing Henry Walker Homes, is requesting final plat approval for the first phase of the Villages at Westridge PUD. The subject property was rezoned in February 2011, and received preliminary approval from the Planning Commission in July 2011.

STAFF/AGENCY COMMENTS:

Public Works Department:

Authorization required of ditch/water users for any abandonment, relocation, piping or any other modifications to existing ditches or irrigation structures.

Contact Salt Lake County Auditor's Office for approval of street names and subdivision names.

Street improvements shall be installed in accordance with plan and profiles approved by the Engineering Division.

Revisions to plat required.

UDOT approval for access on 5600 West

Flood control issues to be coordinated with Public Works.

Concerns regarding the topography along south, east and west boundaries will need to be addressed. Retaining walls may be needed to lessen street grades and to provide better building pads.

Utility Companies:

Standard Utility Easements required.

Kearns Improvement District:

Project is subject to all KID requirements and design standards.

Fire Department:

Proposed fire hydrant locations need to be shown on subdivision plat.

Project shall meet all provisions of Fire Code relating to this type of development. Private street widths shall be a minimum of 26 feet.

Building Division:

Follow recommendations outlined in the soils report.

ISSUES:

The first phase of the Villages at Westridge will consist of 35 residential lots and 1 commercial lot. During the rezoning of this property, a development agreement was reviewed and approved by the Planning Commission and City Council. This agreement addresses a number of issues related to the overall site including the commercial pads. All conditions outlined in this agreement will be required as part of the approval process.

Access:

Access to this development has been rather challenging. The original plan was to have access from 5600 West, 5400 South and from an existing stub street in the Westridge Estates Subdivision to the north.

However, upon review of the applicant's development plan, UDOT denied access at 5400 South. While the City engaged UDOT to reconsider the denial, our attempts did not meet with any success. As a result, the project will gain access from 5600 West and from the stub street to the north. While not necessarily the most desirable situation, the access does meet with the Fire Departments approval for emergency services.

During the study session, a suggestion was made for staff to explore alternatives for an additional point of access. One suggestion was to consider the 60 foot piece of property owned by the City adjacent to the future park. Staff will evaluate this suggestion with the City's Administration and Public Works Department in advance of future phases.

The east/west street required for this phase, along with the future north/south street connecting with the existing stub street will be public. The width of these rights-of-way will be 54 feet which includes a 5-foot parkstrip and 5-foot sidewalk. All other streets within the development will be private. The minimum pavement width in these sections will be 26 feet to accommodate emergency service vehicles.

Housing:

Housing proposed for the overall project will be comprised of three housing styles. The style to be constructed in this phase of the development will be the courtyard product. This project is patterned after a development in Farmington City. Photos of how this concept works have been provided by staff.

During the preliminary application process, staff evaluated the housing styles in

regards to the multiple family design standards. Based on the architecture, the style of these buildings does meet the criteria. There is a great deal of movement in both the exterior façade and roof line. Per the development agreement, buildings will consist of 100% masonry products. Stucco, hardiplank and stone will be the primary materials.

Parking:

The general parking requirement for all residential development in the City is 2 spaces per unit. In this development, all residential units will have a garage for parking. Depending upon unit type, both single and two car garages are provided. The setback to the building will be of sufficient depth to allow parking in front of the garage for additional guest spaces.

Storm Water:

The developer will be coordinating storm water issues for the entire project with the City's Engineering Division. At this point in the review process, an area located at the northeast corner is projected to handle storm water. The developer will be coordinating this matter with the Public Works Department. An easement to drain the first few phases will be needed from the property owner to the north. This will need to be in place prior to recordation of the plat.

Grading:

The site does exhibit some challenging grading issues. These areas are concentrated near the newly completed Maverik Store along with the adjacent commercial pad and along the west boundary adjacent to the existing single family homes. The developer has been coordinating these matters with the City's Engineering Division to ensure that all grading between these properties will work for development purposes.

Open Space

As part of the overall development, at least 50% of the project site will be open space. Although not part of this phase, the developer will be deeding an area approximately 1.3 acres in size for use as a City park. This phase of the development will provide just under 1 acre of open space. According to the development agreement, a certificate of occupancy will not be issued for more than 40 units until construction of the private park spaces has commenced.

Staff has been working with the developer regarding the landscaping plan and amenity package. We hope to have that illustration for the regular meeting. Staff can inform the Planning Commission that the developer will be providing a pavilion and BBQ's in each private open space, covered parking, balconies and a centralized playground.

Overpressure Zone

This project is located in the outer ring of the overpressure zone. City ordinance will require that certain construction standards be applied for all new dwellings. The developer is familiar with these standards and will coordinate building permit

requirements with the building contractor.

Site Management

The developer will provide a Home Owner's Association for the entire project. The association will be responsible to hire a property management company. As per previous PUD applications, staff will recommend that prior to this development being turned over to the association, a meeting with staff, developer and management company take place. This will provide an opportunity to ensure that all development standards and improvements have been completed in accordance with the Planning Commission's approval of this project.

STAFF ALTERNATIVES:

- A. Grant final approval for the Villages at Westridge PUD Phase 1 subject to the following conditions:
1. That the developer resolve all staff and agency concerns.
 2. That all housing comply with the multiple family design standards outlined in the City ordinance.
 3. That the applicant follow the recommendations outlined in the soils report dated August 19, 2008. Although basements are not planned, the City Building Official and City Engineer's office will evaluate for road and building construction.
 4. That the developer provide a landscape plan to be reviewed prior to plat recordation. Said plan shall provide measures to ensure water conservation techniques will be used in accordance with City ordinances.
 5. That all provisions of the West Valley City Fire Department be satisfied.
 6. That the developer resolve any issues regarding irrigation ditches and irrigation water that may be in use. This includes any necessary easements for storm water runoff on to the north property.
 7. That compliance be made with Kearns Improvement District, i.e., water line extensions, connections, water rights and fire protection.
 8. That the subdivision name and street names be approved by the Salt Lake County Auditor's Office.
 9. That proposed building setbacks be in accordance with the site plan reviewed as part of this application. Slight modifications can be made to this plan if needed in order to accommodate utilities or other infrastructure.
 10. That all conditions related to the development agreement be made part of

this approval.

11. That an entry feature be installed at 5600 West as noted in the development agreement. Said entry feature shall be brought back for Planning Commission review in a future study session.
 12. That building elevations, colors and materials, be in accordance with those presented to the Planning Commission during the September 12, 2012 meeting.
 13. That a note be placed on the plat regarding the overpressure zone.
- B. Continuation, in order for the developer to address issues raised during the public hearing.

Applicant:

Phil Holland
500 N Marketplace Drive

Discussion: Steve Lehman presented the application. Jack Matheson asked if the Maverik store was required to construct a masonry wall since its recent remodel. Steve replied yes and added that the wall may eventually be extended further west along 5400 South. Barbara Thomas asked if approving a final plat that is substantially different from a preliminary one is a problem. Steve replied that staff had similar concerns and approached City Administration about this issue. Based on those discussions and that the project meets all City requirements, the application would continue forward. Commissioner Thomas asked if the entrance into the subdivision will only have a right in, right out. Steve replied yes and indicated that BRT will eventually be constructed on 5600 West which will prevent left hand turns into the neighborhood. He stated that the intersection to the north will have to be used by residents. Steve stated that UDOT is discussing various ideas for the intersections in this area regarding traffic flow for the future.

Phil Holland, the applicant, stated that this project has taken a life of its own and has been modified by the City Council several times. He indicated that his company and City staff tried to get access from UDOT onto 5400 South but UDOT wouldn't provide it. Mr. Holland discussed this phase and the courtyard homes. He briefly discussed the different sized units and indicated that most units have 2 car garages as well as driveways that can provide additional parking. He stated that the courtyards will have a lot of open space. Barbara Thomas stated that she isn't comfortable with the limited access into this subdivision. Mr. Holland replied that this is a transit oriented development that will eventually be near BRT and possibly TRAX in the future so vehicular traffic will not be the only mode of transportation. Commissioner Thomas asked if there will be a gate onto 5400 West for pedestrian access. Mr. Holland replied that this is something he can incorporate into the plans. Terri Mills asked if the private roads have curb, gutter, and sidewalks. Steve replied that there is just asphalt and the developer

will have to show staff how this will be maintained on the sides of the street. He added that there is a drain in the center of the road. Steve indicated that the main sidewalk runs north and south through the courtyard homes with several east and west branches coming off it as well. Steve described how the drainage system will work which is currently being reviewed by Public Works. Jack Matheson indicated that the townhomes in Highbury have a similar drainage system.

Commissioner Matheson stated that the applicant seemed to have made the most of what they could with UDOT's refusal for access along 5400 South. Barbara Thomas indicated that she likes the development but is frustrated by the lack of access into the subdivision. Joe Garcia stated that he encourages removing two units on the south side of the project to potentially allow for a road in the future if UDOT ever changes its mind. Barbara Thomas agreed.

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

Motion: Commissioner Matheson moved for approval subject to the 13 staff conditions.

Commissioner Thomas seconded the motion.

Roll call vote:

Commissioner Bilic	n/a
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Commissioner Woodruff	Yes
Chairman Conder	Yes

Unanimous –PUD-1-2012- Approved

PLANNING COMMISSION BUSINESS

Approval of minutes from August 22, 2012 (Regular Meeting) **Approved**

Approval of minutes from September 5, 2012 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:48 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant