



**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**May 10, 2017**

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

**WEST VALLEY CITY PLANNING COMMISSION MEMBERS**

Brent Fuller, Mathew Lovato, David McEwen, and Cindy Wood

**ABSENT**

Clover Meaders, Martell Winters, and Harold Woodruff

**WEST VALLEY CITY PLANNING DIVISION STAFF**

Lee Logston, Steve Pastorik, Jody Knapp, and Brenda Turnblom

**WEST VALLEY CITY LEGAL DEPARTMENT**

Claire Gillmor

**AUDIENCE**

There were 13 people present in the audience.

## **ZT-2-2017**

### **West Valley City**

#### **An ordinance amendment creating the Hunter Town Center (HTC) zone and making other technical changes to Title 7**

West Valley City staff has submitted a zone text change application to create the Hunter Town Center (HTC) zone and to make other technical changes to Title 7.

On March 22 of this year, the Planning Commission recommended approval of the Hunter Town Center Plan. This Plan addressed land use for properties within the vicinity of 3500 South and 5600 West. The proposed HTC zone is proposed to help implement the Hunter Town Center Plan.

#### Moratorium

In October of last year, the City Council passed a temporary land use regulation or moratorium on land use applications for a period of six months for the area covered by the Hunter Town Center Plan. A copy of the ordinance enacting the temporary land use regulation is included with this report. The reasons for the moratorium are outlined in the recitals of the ordinance. One of the primary purposes of the moratorium was to ensure that this area is zoned in a manner consistent with the updated Hunter Town Center Plan. Additional discussion on this issue is included in the staff report for Z-6-2017 which, if approved, will rezone many of the properties affected by the moratorium from A, C-1, and C-2 to HTC.

#### HTC Zone Overview

The proposed HTC zone is unique from other zones in that it includes three sub-districts or areas within the zone with specific regulations that differ from one another. Within the HTC zone there are standards that apply to all properties within the zone and there are standards that are unique to the sub-district.

Specific topics addressed in the HTC zone include permitted, conditional, and prohibited uses; building street frontage; architectural requirements; open space requirements; building and parking setbacks and placement; building height; standards for streets, drives, and right-of-ways; street trees; lighting; parking; and signs.

For comparison, the HTC zone is generally more restrictive in terms of allowed uses than the C-2 (general commercial) zone.

The RM (residential mix) sub-district allows residential use but, as currently drafted, does not include a density limit. However, there are height limits and open space requirements that will limit the amount of density that is possible. The height limits are 2 stories within 100' of existing residential and 60' for all other areas. If the Commission believes a density limit is needed, staff recommends 30 units/acre.

#### Technical Changes to Title 7

Following the comprehensive update to Title 7 (Zoning Ordinance) that was adopted in March of this year, staff has noticed some corrections that were needed. The proposed corrections are to the agricultural and residential standards tables, generally applicable requirements in the agricultural and residential zones and specific requirements in the LI zone.

#### **Staff Alternatives:**

1. Approval.
2. Approval, subject to the addition of a density limit for the RM sub-district.

3. Continuance, for reasons determined during the public hearing.
4. Denial.

**Discussion:** Dawn Nielson, 5670 West Hunter Park Circle, asked how the HTC zone will change the use of the area in which she lives. Steve Pastorik said many uses, such as office, retail, and restaurant will continue as they are now. The HTC zone will change design and landscape requirements that will come in to play if a property is redeveloped. Dawn Nielson affirmed the new requirements will make the area more attractive.

John Call with the law firm of Anderson, Call & Wilkinson, 999 North Washington Boulevard, Ogden, is representing the Kmart property. He said as restrictions are increased on the types of buildings and uses allowed in the HTC, redevelopment opportunities are limited. Commissioner Wood asked John Call what uses he would like to see in the HTC zone that are currently restricted. John Call said he is not focusing on specific uses, he just thinks having more options is better.

Alex Winder, 1169 West Koradine Dr., South Jordan, asked about the private drive behind the Kmart property and in front of his property. Steve Pastorik said code requires that some landscaping will be required as part of that private drive.

Alex Winder said he purchased the property behind Kmart last year under the premise that it would be zoned C-2 (General Commercial). He wanted to install storage units there, however, he is open to other options. Alex Winder asked if an assisted living facility could be added as a use in the HTC zone. Steve Pastorik said the distinction between an assisted living facility is that is it closer to residential where a nursing home has a higher level of care more related to commercial. The City does allow assisted living in other commercial areas, and staff is not strongly opposed to having it in the HTC.

Commissioner Wood asked why no storage units are allowed in the HTC. Steve Pastorik answered there are already a lot of storage units in the City now. We want uses that will be more active and vibrant to bring people to the area such as retail, office, or restaurant spaces in the HTC.

Alex Winder would like to postpone the creation of the HTC zone. Not knowing what will happen with the Kmart property is hindering the development of his property behind it. He does not want to put a lot of money into something that is behind an old Kmart building, because his property will not be seen. Alex Winder reported that a potential buyer of the Kmart property is doing a feasibility study to determine if the Kmart building will be knocked down. This study will take about six weeks. Once he knows what is going to happen with the Kmart building, he can make better decisions regarding his property.

Luke Nelson, 5670 West Hunter Park Circle, asked if pawn shops will be allowed in the HTC zone. Steve Pastorik said thrift and pawn shops, car title loan, and check cashing uses are all prohibited in the HTC zone.

Commissioner Fuller asked if there have been other property owners who have given their input on how the HTC should be used. Steve Pastorik said staff has spoken to quite a few property owners who were concerned about being able to continue the use they have now either as an allowed use under the HTC zone or as a nonconforming use. Commissioner Wood would like to

consider some of the other uses property owners are interested in prior to approving the HTC zone.

**Motion:** Commissioner McEwen moved to approve ZT-2-2017.

No second. Motion failed.

**Motion:** Commissioner Lovato moved to approve ZT-2-2017 subject to a 30 per acre density limit.

No second. Motion failed

**Motion:** Commissioner Wood motioned to continue ZT-2-2017.

Commissioner McEwen seconded the motion.

**Roll Call Vote:**

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Commissioner Wood	Yes

**Unanimous – ZT-2-2017 – Continued**

**Z-4-2017**

**ALS Real Estate, LLC (Roger Chase) 3396**

**West 3100 South**

**R-1-8 (single family residential) to A (Agricultural)**

**2.3 acres**

Roger Chase, representing ALS Real Estate, LLC, has requested a zone change for 2.3 acres located at 3396 West 3100 South from R-1-8 (single family residential, 8,000 sqft lot min.) to A (agriculture, minimum lot size ½ acre). Surrounding zones include R-1-6 to the north, R-1-8 to the west and south and A to the east. Surrounding land uses include two duplexes to the south, single family residential to the west and north, and single family residential with animals to the east. The property is designated as low density residential (3-4 units per acre) in the West Valley City General Plan.

The current zoning for this property is R-1-8. Zoning maps from 1985-1986 indicate that this zoning has been in place since that time. In 2016, Mr. Chase was given approval for a 7-lot single family residential subdivision (S-6-16 Chase Meadows). Mr. Chase has decided he no longer wishes to develop the property and he would like to reside in the existing home and keep his animals there. Although a formal animal rights determination has not been made, there is some evidence that animals have been present on the property for some time. The large barn structure can be seen in aerial photographs from 1979. Mr. Chase has also expressed some interest in possibly boarding animals and having a petting zoo or Christmas tree lot in the future, but at this time he is just requesting the rezone to Agricultural for his personal use of the property.

Given the General Plan designation, the current use of the subject property, and the neighboring uses and zoning the A zone seems appropriate for this property.

**Staff Alternatives:**

- Approval of the zone change to the A Zone
- Continuance, for reasons determined at the public hearing.
- Denial of the zone change to the A Zone.

**Applicant:**

Roger Chase  
12549 South 1565 East  
Draper, UT 84020

**Motion:** Commissioner Lovato moved to approve Z-4-2017.

Commissioner McEwen seconded the motion.

**Roll Call Vote:**

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Commissioner Wood	Yes

**Unanimous – Z-4-2017 – Approved**

**Z-5-2017**

**Samuel Wright**

**7091 and 7079 W Gates Avenue**

**A to M**

**0.88 acres**

Samuel Wright has requested a zone change on two parcels totaling 0.88 acres at 7091 and 7079 W Gates Avenue from A (agriculture, minimum lot size ½ acre) to M (manufacturing). Surrounding zones include A to the west, south, east and a portion of the property to the north and M for the remaining portion of the property to the north. The Planning Commission recently recommended approval to change the zoning on the property to the north from A to M. Neighboring uses include auto towing, repair, and sales to the north; a salvage yard to the west; and single family homes to the east and south. The subject property is designated as light manufacturing in the West Valley City General Plan.

The applicant has submitted a concept plan and written description for his proposal. The intended use an 8,400 SF shop and warehouse for designing and cutting shade structures, timber frame entryways, and timber frame trussing systems. The proposed building would be steel with a single slope design.

At the time this report was prepared, staff had received one call from one of the residential neighbors concerned about the noise that would come from an industrial use. After mentioning this to the

applicant, he indicated that all wood cutting would occur inside the building and that noise should not be a problem.

If this rezone is approved, a conditional use permit will be required for this use given its proximity to residential. A 6' tall masonry wall will be required along the west, south, and east sides of the property.

During the study session the Commission expressed concerns about noise, hours of operation, the aesthetics of the building, and the appropriateness of other uses that are allowed in the M zone next to the existing residential uses. Staff discussed these concerns with the applicant and has the following additional information to include:

- There would be one to three employees in the shop using standard hand tools. Shop hours would be from 8 AM to 6 PM. Much of the work is done on job sites and products are delivered to job sites by the business.
- The applicant is proposing an entry feature to enhance the front of the building.
- There are uses such as heavy industrial that are allowed in the M zone that would be less compatible with neighboring residential than light industrial. Since the site is not eligible for the LI (light industrial) zone due to the relatively small size, the Commission could recommend approval of the zone change subject to a development agreement that limits the uses to those allowed in the LI zone.

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**Staff Alternatives:**

- Approval, subject to a development agreement that:
  - limits the hours of operation from 8 AM to 6 PM,
  - requires a covered entry feature on the north side of the building, and
  - limits the uses to those allowed in the LI zone.
- Approval.
- Continuance, for reasons determined at the public hearing.
- Denial.

**Applicant:**

Samuel Wright  
622 South Kimball Drive  
Layton, UT 84041

**Discussion:** Commissioner Fuller asked what types of equipment will be used for the business and about sound mitigation. Samuel Wright said he does custom mortise and tenon joinery using hand tools, such as chisels. He also uses Skil and chop saws. The metal building and doors will be insulated and the sound will stay inside of the building.

Commissioner McEwen asked if products will be delivered to or picked up by customers. Samuel Wright answered that products will be delivered. He owns two 16' flat-bed trailers. Products are unloaded by hand. Sam Wright usually picks up his supplies from Capital Building Supply. Commissioner Fuller asked if a fork lift will be used. Sam Wright answered yes, he owns a 4200 lb. fork lift.

Cindy Wood asked how many employees will work at the business. Samuel Wright answered between 2 and 5 employees, depending on the day and time. Cindy Wood asked how many customers will be expected. Sam Wright said he does a few high end, custom jobs per month.

Lisa Butcher said she is speaking for her mother, Barbara Butcher, who lives at 7401 West Shuler Ave. The Butchers are retired and want peace and quiet. Samuel Wright said because the warehouse will be insulated, neighbors will not be hearing loud noises.

Lisa Butcher asked why the building will be placed towards the back of the property next to residential. Steve Pastorik answered that buildings must be set back at least 20 feet in the Manufacturing zone. For each additional foot of building height over 20' the building must be setback an additional 2'. In this case the setback will conceptually be 27' from the property line. A six foot masonry wall is also required along the south, east, and west sides of the property. Trees are also required between the building and the wall. This will create separation and mitigate impacts.

Lisa Butcher asked how tall the building will be. Samuel Wright answered that the height of the building will depend on the clearance needed for an indoor crane used for moving timber. He guesses the building height will be 22'- 23' to allow clearance for the crane and considering the slope of the roof. Samuel Wright said the highest point of the sloped roof will be on the north side.

Lisa Butcher asked if zoning is changed to Manufacturing, could salvage or tow yards operate on the property. Steve Pastorik said if rezoning is approved subject to a development agreement, things like towing or an impound yard would not be allowed.

Lisa Butcher noted that her parent's property is lower than the subject property. She asked if backfill will be required. Steve Pastorik said if the property is rezoned, an engineer will design the site to determine if fill needs to be brought in for the site to drain properly.

Commissioner Wood asked why the applicant is not applying for LI (Light Industrial) zoning. Steve Pastorik said there is a minimum lot size requirement in the LI zone that this property does not meet.

**Motion:** Commissioner McEwen moved to approve Z-5-2017 subject to a development agreement that limits the hours of operation from 8:00 a.m. to 6:00 p.m., requires a covered entry feature on the north side of the building, and limits the use to those allowed in the LI zone.

Commissioner Lovato seconded the motion.

**Roll Call Vote:**

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Commissioner Wood	Yes

**Unanimous – Z-5-2017 – Approved**

**West Valley City**  
**2100 S to 2500 S along the west side of 5600 W**  
**A, C-1, and C-2 to HTC**  
**51.7 Acres**

West Valley City staff has submitted a zone change application for approximately 51.7 acres for properties in the vicinity of 3500 South and 5600 West from the A (agriculture, minimum lot size ½ acre), C-1 (neighborhood commercial), and C-2 (general commercial) zones to the proposed new HTC (Hunter Town Center) zone. While infrequent, City initiated zone changes are not unprecedented. Shortly after West Valley City was incorporated, the City initiated several zoning changes to large areas of the City to limit the amount of multi-family residential development. In 2006, the City rezoned property in what is now known as Fairbourne Station to the CC (City Center) zone. In 2015, the City rezoned numerous parcels to encourage larger lot residential development. Last year, the City rezoned properties along 5600 West from M (manufacturing) to LI (light industrial). In these examples, the City was proposing the changes to accomplish goals identified in the General Plan.

Approximately 11.7 acres of the subject property is vacant. Below is a breakdown of the property proposed for rezoning:

Current Zone	Number of Parcels	Number of Acres
A	3	2.5
C-1	2	1.8
C-2	38	47.4
Totals	44	51.7

In October of last year, the City Council passed a temporary land use regulation or moratorium on land use applications for a period of six months for the subject property. A copy of the ordinance enacting the temporary land use regulation is included with this report. In summary, the moratorium was passed to allow time to update the Hunter Town Center Plan and to ensure that the area is zoned in a manner consistent with the updated Plan. The Planning Commission recently recommended approval of the updated Hunter Town Center Plan to the City Council.

Zoning is the primary tool for implementing the City’s General Plan. If zoning and the General Plan are not aligned, the City’s goals will not be realized. The guiding plan concepts and place making principles from the Hunter Town Center were used by City staff and our consultant to inform the proposed Hunter Town Center zone.

Any existing, licensed businesses that are operating as approved by the City and are not allowed in the HTC zone will, if this zone change is approved, become nonconforming uses. Nonconforming uses of land may be continued at the discretion of the property owner. If a nonconforming use is discontinued for a period of one year or more it shall constitute an abandonment of the use and any future use of such land shall conform to the provisions of the HTC zone.

**Staff Alternatives:**

1. Approval of the zone change as proposed.
2. Continuance, for reasons determined during the public hearing.
3. Denial.



**Discussion:** Luke Nielsen asked how the City will go about obtaining properties for community spaces in the HTC plan. Steve Pastorik said green spaces can be either private or public, depending on the situation.

**Motion:** Commissioner McEwen motioned to continue Z-6-2017.

Commissioner Lovato seconded the motion.

**Vote:**

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Commissioner Wood	Yes

**Unanimous – Z-6-2017 – Continued**

Approval of Minutes from March 15, 2017 (Study Session) **Continued**

Approval of Minutes from March 22, 2017 (Regular Meeting) **Continued**

Approval of Minutes from April 12, 2017 (Regular Meeting) **Approved**

Approval of Minutes from April 26, 2017 (Regular Meeting) **Continued**

Approval of Minutes from May 3, 2017 (Study Session) **Continued**

There being no further business, the meeting adjourned at 5:12 p.m.

Respectfully submitted,

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Brenda Turnblom, Administrative Assistant