



**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

May 24, 2017

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

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Brent Fuller, Mathew Lovato, David McEwen, Clover Meaders, Darrick Porter, Cindy Wood, and Harold Woodruff

ABSENT

Martell Winters

WEST VALLEY CITY PLANNING DIVISION STAFF

Brock Anderson, Lee Logston, Steve Pastorik, and Brenda Turnblom

WEST VALLEY CITY LEGAL DEPARTMENT

Brandon Hill

AUDIENCE

There were seven 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

This application was continued during the Planning Commission meeting held on May 10, 2017.

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.

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.

Update from May 10th Meeting

The Planning Commission continued this application to review the permitted and conditional uses allowed in the HTC zone and to further consider a potential density cap on residential. During the study session there seemed to be some willingness to allow assisted living. On the density cap, some were leaning toward 20 units/acre which would likely yield a mix of 2 and 3 story buildings.

Staff received the attached email from the owner of the mostly vacant property in the southeast quadrant. In summary, the owner desires more use flexibility for things like fast food restaurants with a drive-thru, greater height next to adjoining residential, and no density cap.

Staff Alternatives:

1. Approval, subject to the following revisions to the ordinance:
 - a. Allowing assisted living as a permitted use in all sub-districts and
 - b. Capping the density of residential to 20 units/acre.
2. Approval, subject to a residential density cap of 30 units/acre.
3. Continuance, for reasons determined during the public hearing.
4. Denial.

Discussion: Commissioners Woodruff and Wood agree it makes sense to allow assisted living in the HTC zone. Commissioners Fuller and Lovato are in favor of capping density within the HTC zone at 20 units per acre. Commissioner Woodruff would like to cap density at 25 units per acre. Steve Pastorik verified that a density cap will not change the provision saying that buildings within 100' of existing residential are capped at two stories. Chair Meaders asked how 25 units per acre will affect the height of the buildings past the 100' residential buffer. Steve Pastorik said a 20 unit/acre cap will result in a combination of 2-3 story buildings. A density cap of 25-30 will have a combination of 2-4 story buildings, depending on the number of bedrooms per unit and how much open area there is.

Motion: Commissioner McEwen motioned to approve ZT-2-2017 subject to the following revisions: Allowing assisted living as a permitted use in all sub-districts and setting a residential density cap of 25 units per acre.

Commissioner Fuller seconded the motion.

Roll Call Vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Commissioner Meaders	Yes
Commissioner Porter	Yes
Commissioner Wood	No
Commissioner Woodruff	Yes

Majority – ZT-2-2017 – Approved

Z-6-2017
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

This application was continued during the Planning Commission meeting held on May 10, 2017.

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.

Motion: Commissioner Fuller motioned to approve Z-6-2017.

Commissioner Lovato seconded the motion.

Vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Commissioner Meaders	Yes
Commissioner Porter	Yes
Commissioner Wood	Yes
Commissioner Woodruff	Yes

Unanimous – Z-6-2017 – Approved

Z-7-2017

David Waldron

3264 West 3100 South

A to RE

3.26 acres

David Waldron with Forsgren Associates has submitted a zone change for a 3.26 acre parcel at 3264 W 3100 S from A (agriculture, minimum lot size ½ acre) and A-2 (agriculture, minimum lot size 2 acres) to RE (residential estate). Surrounding zones include R-1-6 (single family residential, minimum lot size 6,000 sq. ft.) to the north, A and R-1-8 (single family residential, minimum lot size 8,000 sq. ft.) to the west, C-1 (neighborhood commercial) to the east, and R-1-6 and R-1-8 to the south. Neighboring uses include single family homes to the north, a single family home and agricultural property to the west; a church to the east; and a small hauling business, a single family home, and Hillsdale Elementary to the south. The subject property is designated as large lot residential (2 to 3 units/acre) in the West Valley City General Plan.

Development Proposal

The applicant has submitted a concept plan and written description for his proposal. The intended use is a 7 lot residential subdivision. The existing home, built in 1956, would remain and be on one of the 7 lots. The proposed lots meet the minimum and average lot sizes for the RE zone; however, there are a few lots that don't meet the minimum lot width of 100'. Given that this is an infill development that already exceeds the required minimum and average lot size, staff would recommend a development agreement to reduce the lot width to 90'. This lot width would still allow 70' of width for a new home.

Development Agreement

The zoning ordinance states: "All new Subdivisions involving a rezone of property, or a PUD, shall participate in a Development Agreement that addresses housing size, quality, exterior finish materials, Streetscapes, Landscaping, etc. The standards set forth in this Part shall be used as a minimum basis in all Development Agreements to address housing quality and exterior finish materials." The applicant has proposed to meet the ordinance standards without variation. For reference, these standards are summarized below:

- Minimum rambler size: 2,000 square feet
- Minimum multi-level size: 3,000 square feet
- Minimum garage size: 3 car (2 car allowed in certain instances)

- Exterior materials allowed: brick, stone and fiber cement siding
- Further material restrictions: fiber cement siding limited to 75% of exterior
- Minimum roof pitch: 6/12
- Minimum number of points required for a rambler from design features list: 250
- Minimum number of points required for a multi-level from design features list: 300
- Architectural shingles required

Staff Alternatives:

- Approval, subject to a development agreement that:
 - Requires homes to meet the standards in the ordinance
 - Allows the minimum lot width to be reduced to 90'
- Continuance, for reasons determined at the public hearing.
- Denial.

Applicant:

David Waldron
370 East 500 South
Salt Lake City, UT

Discussion: David Waldron with Forsgren Associates is representing the property owner. He said the length of the cul-de-sac is less than the maximum allowed in order to accommodate fire trucks. The smallest lot is about 13,000 sqft and the average lot size is between 15,000-16,000 sqft. There is one flag lot with a 20' wide entrance and the lots have 90' of frontage.

Pete Summers, 3278 West 3100 South, owns property west of the development. The right of way on the north end of the property runs alongside of his property. He asked what the fencing plans are there. He mentioned that about 300 loads of fill dirt have been brought onto the property that make it 6' higher than neighboring properties.

Steve Pastorik said there is no fencing requirement along the residential property. David Waldron said a geotechnical study has been done and they are aware of the fill dirt. The developer who builds the homes will have to deal with the loose dirt that is not acceptable for foundations or for long term stability of homes. Fencing will be addressed with the subdivision application.

Motion: Commissioner Lovato motioned to approve Z-7-2017 subject to the two requirements listed in the staff report.

Commissioner Fuller seconded the motion.

Vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Commissioner Meaders	Yes
Commissioner Porter	Yes
Commissioner Wood	Yes

Commissioner Woodruff Yes

Unanimous – Z-7-2017 – Approved

C-11-2017

Boulder Pines Landscaping Exception

4040 South 1534 West

RM Zone (12.8 Acres)

The applicant, Reliant-Utah LLC, is requesting a landscaping reduction for property located at 4040 South 1534 West. This property is zoned RM, residential multi-family and the West Valley City General Plan designates this area as High Density (12-20 units per acre). There is residential property to the north and east, zoned R-1-8, and to the south, located in Taylorsville. The property to the west is zoned C-2 and is developed as a commercial shopping center (Smiths).

In February/March 2017 building permits were submitted for a substantial remodel of the Boulder Pines development. The valuation on those building permits is approximately

\$7,700,000.00. The facility has frontage along 4100 South, which is listed as one of West Valley City's major arterials. Therefore, the remodel triggers compliance with the design requirements for the frontage of this parcel that are set forth in chapter 7-10 of the West Valley City Municipal Code. These standards include the following:

7-10-103. LANDSCAPING STANDARDS APPLICABLE TO ALL HIGH IMAGE ARTERIALS.

(1) All properties shall provide a minimum 20-foot landscaped buffer along the entire Frontage between the edge of the Sidewalk and any parking area, Structure or Fence on the site. No parking, fencing, Outside Storage, above ground storm water detention or retention, or temporary signage shall be allowed within the landscape buffer. These requirements, as well as those in Part 2, shall take effect in the following situations:

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c. Any substantial modification to an existing site or Structure in which the estimated construction cost exceeds \$50,000;

(2) Fifty percent of the area of the landscaped buffer shall be planted with grass. The remaining 50 percent of the area shall include at least 50% live plant material and may include specialty paving, Street furniture, and outdoor seating areas. There shall be a minimum of one tree planted for each 600 square feet of the gross area of the landscaped buffer.

The ordinance states one can request an exception these requirements if "it is remodeling of an existing Structure or road widening and full compliance is not possible due to the location of existing Buildings or because compliance would necessitate elimination of improvements required by other ordinances which could not be relocated elsewhere on the site." (§7-10-104(1)b.)

The site was originally approved under Salt Lake County in 1970 (C-72-1970) and appears to have been constructed per the original site plan. Over time, the right-of-way has expanded and the landscaping along 4100 South has been reduced. Therefore, the required setback, as measured from the property line, no longer exists along a majority of the frontage. That area is occupied by 57 parking spaces, a dumpster enclosure and signage for the development.

There are 40 buildings on the property that each hold 4 two-bedroom dwelling units. Therefore, the density of the project is 12.5 units/acre. There is also currently 28.4% landscaping on the site. The parking analysis for this site is as follows:

Parking Summary:

Total units: 40 buildings with 4 – 2 bedroom units each building

City Code requires:

Two Bedroom – 1.75 parking spaces per unit Total: 160 units =
280 parking stalls

Current parking provided: 160 garage units

214 parking stalls
TOTAL 374 parking stalls provided

Although adequate parking is provided by Code the applicant has expressed concern over eliminating these parking spaces due to their proximity to the main entrance and the adjacent dwelling units and has therefore asked for an exception to this landscaping requirement. It is also worth mentioning that this project is an affordable housing project that is financed with tax-exempt bonds and equity raised through the Federal Low- Income Housing Tax Credit Program so securing funds for such projects is limited and difficult.

Although landscaping is not located adjacent to the parking on the subject property there is existing landscaping located in the right-of-way. Therefore, staff suggests that trees be planted in this area. There are some overhead power lines here so the tree type should be chosen from the suggested trees in the Rocky Mountain Power Small Trees for Small Places guide.

There are also some commercial flags located in the right-of-way that will need to be removed as part of this project. Staff also suggests that the dumpster enclosures throughout the site be placed in solid masonry enclosures.

Staff Alternatives:

Approval, subject to the resolution of any concerns raised at the public hearing as well as the following:

1. The existing landscaping along 4100 South is sufficient and no additional landscaping is necessary.
2. The flags located in the right-of-way shall be removed.
3. Trees shall be planted in the existing landscaping along 4100 South, on the south side of the

- fence, at a ratio of one tree for every 30'. The trees shall be chosen from the Small Trees for Small Places list from Rocky Mountain Power due to the location of overhead power lines.
4. The dumpsters on site shall be located within a solid 6' masonry enclosure.

Continuance, to allow for the resolutions of any issues raised at the public hearing.

Denial, of the exception request and the landscaping along 4100 South shall be installed in conformance with the City Code.

Applicant:

Ben Garrett, Kier Construction
3710 Quincy Avenue
Ogden, UT 84403

Discussion: Ben Garrett is representing the owner, Reliant-Utah LLC. He said he understands and agrees with the conditions listed in the staff report.

Motion: Commissioner McEwen moved approve C-11-2017 subject to the four conditions listed in the staff report.

Commissioner Lovato seconded the motion.

Vote:

Commissioner Fuller	Yes
Commissioner Lovato	Yes
Commissioner McEwen	Yes
Commissioner Meaders	Yes
Commissioner Porter	Yes
Commissioner Wood	Yes
Commissioner Woodruff	Yes

Unanimous – C-11-2017 – Approved

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

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

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

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

Approval of Minutes from May 10, 2017 (Regular Meeting) **Approved**

Approval of Minutes from May 17, 2017 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:32 p.m.

Respectfully submitted,

Brenda Turnblom, Administrative Assistant