

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

June 24, 2009

The meeting was called to order at 4:00 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Jack Matheson, Terri Mills, Phil Conder, Mary Jayne Davis, and Jason Jones

ABSENT:

Brent Fuller and Joe Garcia

WEST VALLEY CITY PLANNING DIVISION STAFF

John Janson, Steve Lehman, Shane Smith, Frank Lilly, and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

Nicole Cottle, CED Director
Layne Morris, CPD Director

AUDIENCE

Approximately twenty-two (22) people were in the audience

ZONE CHANGE APPLICATION

Z-4-2009

Utah Housing Corporation

2561 West 3360 South

R-2-6.5 to R-1-4

1.54 acres

Utah Housing Corporation is requesting a zone change for a 1.54 acre parcel at 2561 West 3360 South from R-2-6.5 (duplex residential, minimum lot size 6,500 square feet) to R-1-4 (single family residential, minimum lot size 4,000 square feet). Surrounding zones include R-2-6.5 to the north, east, and south and R-1-6 to the west. Surrounding land uses include a City park to the north, rental townhomes to the south, duplexes to the east, and single family homes to the west. The subject property is designated as medium density residential (7 to 12 units/acre) in the West Valley City General Plan. The subject property includes 10 single family detached homes built in 1998 that are currently rentals.

Attached to this report is a letter from Susan Arsdell with Utah Housing Corporation explaining why this rezone is requested. In summary, this zone change would allow the subject property to be subdivided into 10 lots so that each home would be on a separate lot. With each home on an individual lot, each home could be sold to families as originally anticipated by Utah Housing Corporation in their lease-to-own program.

Also attached to this report is a site plan showing how the property would be subdivided. The lot sizes would range from 4,379 square feet to 8,112 square feet with the average lot size being just over 6,300 square feet. While the lot size minimum and setbacks can be met, the owner will need to apply for a variance through the Board of Adjustments for the minimum lot width which is 50'.

Staff Alternatives:

- Approval of the zone change from R-2-6.5 to R-1-4.
- Continuance to address issues raised during the public hearing.

Applicant:

Larry Forkner
2479 S. Lake Park Blvd.

Discussion: Steve Lehman presented the application. Jack Matheson questioned what would happen if the Board of Adjustment did not allow a variance for the width of the properties. Steve replied that this application would not be forwarded to City Council if the Planning Commission denies it or if the Board of Adjustment denies the variance request at their next hearing on July 1, 2009. He added that Utah Housing is aware of this risk but has chosen to proceed and hope for the best.

The applicant, Larry Forkner, indicated that these homes are designed to house low and moderate income families. He explained that the homes start out as rental units

and tenants are able to work into an ownership potential over a 15 year period. Phil Conder asked if the homes will be sold to existing residents. Mr. Forkner stated that current residents will have the first option and will be able to purchase the homes for a lower price with a fair amount of equity. Any residents not wanting to purchase will have to vacate the home. He added that half the existing residents are the original tenants. Phil Conder asked if Utah Housing will assist these low income families in purchasing the home if they choose that option. Mr. Forkner replied yes.

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

Motion: Commissioner Matheson moved for approval of the zone change from R-2-6.5 to R-1-4.

Commissioner Mills seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous -Z-4-2009– Approved

CONDITIONAL USE APPLICATIONS:

C-15-2009

Harmans' Towing

2923 S. 3600 W.

M-Zone 2.52 Acres

The applicant is requesting a new conditional use permit to modify one of the conditions from a previous conditional use approval, and a subsequent amendment approved by the Planning Commission on May 9, 2007. Per the provisions of Section 7-7-109 ("Time Limit") of the West Valley City Code, the previous conditional use permit has since expired. The applicant's site is located in a manufacturing zone (M) on 2.52 acres of land. It is bordered on the north and south by M zoning, on the west across 3600 W. by C-2 zoning and on the east by R-1-4 zoning. The West Valley City General Plan designates this property light manufacturing.

On January 29, 2003 the West Valley City Planning Commission approved application C-1-2003 for an expansion of an existing impound yard. One of the conditions of that approval was that by January 29, 2008 an existing modular trailer used as an office would be removed and replaced by a permanent building. In 2007, the applicant requested a 20-month extension to construct the permanent building, owing to the applicant's financial difficulties. The

Planning Commission granted the extension, mandating that the permanent office building be completed by September 29, 2009; and that plans for the building be submitted to the Planning Commission by January, 2009.

The applicant has requested a new conditional use permit that would further extend the deadline for constructing a permanent office building, until after the Granger Hunter Improvement District (GHID) completes a sewer line along 3600 West north of 3100 South. As indicated in their attached letter, the applicant sought permission to install a septic system for the permanent office, and their request was denied by GHID. The applicant believes that the remaining options – tying into GHID’s lift station or sewer line west of 3600 West, or tying into a line in the residential neighborhood to the east – are prohibitively expensive, possibly in excess of the cost of the building itself. GHID noted that a tie-in to the east, under residential properties, could be accomplished through easements. There are currently no restroom facilities on site. GHID has no plans to install a sewer line along 3600 West in 2009 or 2010.

The Planning Commission can approve the applicant’s request to complete the building once the line is installed under 3600 West in front of the property. Since GHID has no current plans to install the line, this action would create a conditional use permit with no deadline. Alternatively, the Planning Commission can establish a future deadline and revisit the issue at that time. A third option would be to approve the new conditional use permit, setting a more aggressive deadline that would require the applicant to seek another alternative for a sewer tie-in for the new building.

In the previous conditional use applications, the condition of the landscaping was raised as an issue to the Planning Commission. As of June 18, 2009, all required landscaping along the property frontage has been installed and is in reasonably good condition. The applicant must ensure that all required landscaping is permanently maintained and that all vacant areas are to be kept free of weeds.

Staff Alternatives:

- Approval pending completion of a sewer line along 3600 West, subject to the resolution of any issues raised at the public hearing and the following conditions:
 1. The permanent office building shall be completed no later than ten months upon completion of a sewer main along 3600 West in front of the Applicant’s property. Plans for this building, including any proposed residence, shall be submitted for Planning Commission review prior to completion of the building.
 2. Landscaping shall be properly maintained and weeds in unimproved areas shall be controlled.
 3. All signage shall comply with West Valley City ordinances.

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:

1. The permanent office building shall be completed by September 30, 2011. Plans for this building, including any proposed residence, shall be submitted for Planning Commission by January, 2011.
 2. The permanent office building shall be connected to a sewer line.
 3. Landscaping shall be properly maintained and weeds in unimproved areas shall be controlled.
 4. All signage shall comply with West Valley City ordinances.
- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:
 1. The permanent office building shall be completed by September 30, 2010. Plans for this building, including any proposed residence, shall be submitted for Planning Commission by January, 2010.
 2. The permanent office building shall be connected to a sewer line.
 3. Landscaping shall be properly maintained and weeds in unimproved areas shall be controlled.
 4. All signage shall comply with West Valley City ordinances.
 - Continuance, to allow for the resolution of any issues raised at the public hearing.

Applicant:

Rebecca Beck
2923 S. 3600 W.

Discussion: Frank Lilly presented the application. He indicated that landscaping and signage requirements that were mandated by the original conditional use have been fulfilled. The request before the Planning Commission was to extend the deadline to construct an office building on the site, pending completion of a sewer line along 3600 West north of 3100 South.

The applicant, Rebecca Beck, stated that they have tried to meet all requirements of their conditional use. She explained that Harman's Towing has had multiple discussions with Granger Hunter but are still unsure when the introduction of a sewage system on 3600 West will take place. She indicated that it could be as soon as 2 years or as many as 10. Jack Matheson asked if there are any holding tanks or port-a-potties on site. Ms. Beck replied that there is only one employee in the trailer at a time and there are no full time employees. She indicated that restrooms are used while employees are on break but added that she is not opposed to adding a port-a-potty if the Planning Commission feels it is necessary. Ms. Beck discussed the future location of the building and stated that the Zoning Administrator, Ron Weibel, has given them permission to move their fence to accommodate changes to the building's location.

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

Motion: Commissioner Conder moved for approval pending completion of a sewer line along 3600 West and the following conditions:

1. A permanent office building shall be completed no later than ten months upon completion of a sewer main along 3600 West in front of the Applicant's property. Plans for this building, including any proposed residence, shall be submitted for Planning Commission review prior to completion of the building.
2. Landscaping shall be properly maintained and weeds in unimproved areas shall be controlled.
3. All signage shall comply with West Valley City ordinances.
4. The conditional use permit will be reviewed by the Planning Commission every 3 years for continued compliance, until the building is completed.
5. The applicant will be required to maintain a portable toilet on site until the building is completed. The portable toilet must be installed by July 15, 2009.

Commissioner Jones seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous-C-15-2009– Approved

ZONE TEXT CHANGE APPLICATION

ZT-3-2009, Off Street Parking Ordinance (Surfacing)

West Valley City

3600 Constitution Boulevard

West Valley City, Utah 84119

Purpose

This Zone Text Change is proposed to modify the existing surfacing ordinance to better specify the various surfacing options, to potentially expand those options to a wider range of West Valley City residents, and to give the Code Enforcement Division better guidelines to enforce compliance. This Zone Text Change affects Section 7-9-115 (Surfacing) of the West Valley City Code.

Background

In 2005, the surfacing ordinance was modified to require the off-street parking for most residences in West Valley to be hard surfaced. Homes with gravel driveways that did not meet the various exceptions as of the effective date of the existing ordinance are required to come into compliance by June 1, 2010. Since April 2009, residents have expressed their concern about the existing ordinance and the compliance deadlines at the comment periods at

various City Council public hearings. While most of the residents who spoke at the hearings expressed a desire to relax the surfacing standards to allow gravel driveways and/or to rescind the compliance deadline, there was also a vocal opposition expressed against gravel driveways, mainly for aesthetic and maintenance considerations. At its study session on May 9, 2009, the City Council directed staff to recommend changes to the surfacing ordinance and present them to the Planning Commission for a recommendation to the City Council.

Application

West Valley City Staff is recommending a proposed new surfacing ordinance that consists of five sections. A copy of the draft ordinance is attached to this report.

Section 1

The first section mandates that all off-street parking spaces, driveways, and maneuvering areas shall be paved and permanently maintained with a hard surface, with the following possible exceptions:

1. **Agricultural.** Parcels of at least ½ acre on which an agricultural use occurs will be allowed to have a gravel driveway, provided it leads to a garage, accessory building, or properly located parking area.
2. **Residences built prior to March 30, 1988.** Parcels built before this date may use a gravel driveway for all off-street parking; however, if the home is significantly expanded, resulting in a 25 percent increase in floor area or if a new garage is constructed, the minimum required parking must be replaced with a hard surface. The date chosen is the effective date of the first ordinance to mandate hard surfacing in parking areas.
3. **Residences within the Mountain View Corridor Alignment** will not be required to replace their gravel driveways and parking areas with a hard surface.
4. **All Residences.** All residences will be required to maintain a hard surface for the minimum required area for driveways and parking, but additional parking in the front, side, or rear yard can be gravel. No more than 40 percent of a front yard in a typical West Valley City home may be hard surfaced or gravel for use as parking.
5. **Heavy Equipment in Manufacturing Zones** may be parked on gravel. Heavy equipment uses will be evaluated for their impact on City streets, neighboring properties, and the subject property.
6. **Recreational vehicle parking** may be accessed through landscaping.

Options 2, 3, and 4 are essentially new language, whereas 1, 5, and 6 are slight modifications of language in the existing ordinance.

Section 2

Section 2 of the proposed ordinance specifies additional surfacing standards for parking areas in single family dwelling or duplex lots, using language from the existing ordinance. Section 2 clarifies that gravel used for parking, driveways, and maneuvering areas will not be counted

toward the maximum allowable mineral groundcover in landscape areas.

Section 3

This section establishes standards for concrete, brick, or stone pavers used for driveways, parking, and maneuvering areas.

Section 4

This section establishes standards for gravel used in driveways, parking, and maneuvering areas.

Section 5

Section 5 is language from the existing ordinance, mandating that parking is not allowed in landscaped areas.

Issues

The Planning Commission will act as a recommending body and will forward a surfacing ordinance to the City Council. The surfacing issue is controversial. Some residents expressed concern about the costs of replacing a gravel driveway with asphalt or poured concrete, and that the compliance deadline is an onerous burden on residents, particularly those with limited incomes. Residents have also stated that, especially with respect to agricultural uses, gravel driveways are appropriate, ideal for flood irrigation and drainage, and can be an aesthetically pleasing feature on a property.

Other residents expressed concern about the appearance and maintenance of existing gravel driveways, and raise the issue of fairness for those who have gone to the expense of coming into compliance with the existing ordinance. Furthermore, the Code Enforcement Division is overwhelmed with compliance cases driven in part by vague and poorly-specified language in the existing ordinance.

The intent of the proposed ordinance to give the Planning Commission a wide range of options as it prepares to make a recommendation to the City Council. Additionally, sections 2 through 5 augment the language in the existing ordinance to give the Code Enforcement Division stronger definitions and specifications to aid its enforcement efforts.

Staff Alternatives

1. **Approval**, a positive recommendation of this ordinance to the City Council. A recommendation for approval can include any or all of the options included in section 1 of the ordinance.
2. **Approval with further recommendations**, a positive recommendation of this ordinance to the City Council with suggested changes as determined through the public hearing.
3. **Continuance**, to complete further research and/or resolve any questions.
4. **Denial**, a negative recommendation of this ordinance to the City Council for reasons determined through the public hearing.

Applicant:
West Valley City

Opposed:
Oren Zabriskie
3677 S. 3600 W.

Opposed:
Greg Chilps
4736 Palmer Dr.

Opposed:
Linda Lloyd
3883 Meadowgate Dr.

Opposed:
Rebecca Binkerd
3992 W. Olive Dunn Dr.

Opposed:
Alvin Ferrin
4702 W. Harman Dr.

Opposed:
Sue Turley
4714 W. Harman Dr.

Opposed:
Douglas Young
4785 W. Harman Dr.

Opposed:
Connie Hovey
4695 W. Harman Dr.

Opposed:
Wayne Hovey
4695 W. Harman Dr.

Opposed:
Vicki Hunt
4665 W. 3650 S.

Neutral:
Antoine Carlosano
3222 Brookway Dr.

Favored:
Gerald Wise
4025 S. 6820 W.

Discussion: Frank Lilly presented the application. Phil Conder questioned if small roads that go through agricultural lots, such as in a corn field, are exempt from hard surfacing requirements as well. Mary Jayne Davis replied that she doesn't believe there are any agricultural lots in West Valley City with this type of infrastructure so she doesn't believe it will be a concern. Layne Morris, CPD Director, added that it's important for the Planning Commission to remember that this ordinance is in reference to front yards only. Jason Jones asked if there is another part of the City ordinance that addresses new subdivisions and homes. Frank replied new homes will be covered in this ordinance and it states that all homes built after March 30, 1988 must have at least 2 concrete parking spaces in the front yard.

Oren Zabriskie, a resident of West Valley City, indicated that he has a crushed granite driveway that he has worked very hard to develop and maintain over a long period of time. He stated that his driveway doesn't have a geotextile fabric and he doesn't want to remove all the gravel to lay one down. He indicated that he understands the City's intentions but he feels requiring concrete driveways can negatively impact landscaping for some residents. Jack Matheson agreed that digging up gravel to lay a geotextile fabric would be a hard, time consuming process and he feels that keeping the gravel weed free would suffice.

Greg Chilps stated that his home was built prior to the 1970's and he has a large sized driveway. He explained that he purchased his lot partly because of the large driveway so that he would have room to park his RV. He indicated that he doesn't see what the issue with gravel driveways is if they are well maintained and kept free of weeds. He stated that if the City were to require him to hard surface his driveway, he would have around 3800 square feet which is well out of his price range. Mr. Chilps stated that he would like to maintain his gravel driveway until a time that concreting it works for him financially.

Linda Lloyd stated that her home was constructed in 1968. She indicated that the exceptions map provided by staff shows a sea of gravel but in her neighborhood only 2 of 10 homes actually have gravel driveways. She stated that she has gotten estimates from 3 separate

companies to concrete her driveway and the bids were all very expensive. Ms. Lloyd stated that she has a baby on the way and her husband just experienced a 10% pay cut at work so there is simply no way they can afford to install a concrete driveway at this time. Frank Lilly indicated that if the ordinance stays as is, the front of the woman's driveway would need to be hard surfaced but the side yard could remain gravel.

Rebecca Binkerd stated that she is disabled and all estimates to concrete her driveway have ranged from \$2800 to \$6000 which is something she cannot afford. She indicated that weeds look terrible in gravel driveways but as long as they are pulled and maintained, she doesn't believe there should be a problem.

Alvin Ferrin expressed concern about agricultural definitions being incorporated into the ordinance but nothing about horticulture. He also discussed concern with negative impacts on water retention systems. Harold Woodruff stated that hard surfacing is not intended to take away from water retention. Frank Lilly indicated that the hard surfacing definition in the ordinance applies to parcels that are greater than a ½ acre and have some sort of agricultural use. Phil Conder asked if the homes in Mr. Ferrin's neighborhood were constructed after 1988. Mr. Ferrin replied there are a few that were built after that date but most of them were built prior.

Vicki Hunt stated that her neighbors have gravel driveways and it has never bothered her. She stated that she is in favor of keeping gravel driveways as long as they are well maintained. She added that the current ordinance needs to be changed and that poorly kept gravel driveways need to be more heavily enforced.

Wayne Hovey stated that he is concerned with what is affordable in today's economy. He stated that the City seems to want people to move their vehicles off the gravel and into the street which causes great safety concern. Mr. Hovey indicated that he has had a lot of problems trying to get his driveway up to standards since hearing about the new ordinance that will be put into effect next year. He stated that if the City wants hard surfacing for all driveways, the City should help residents find ways to pay for it.

Douglas Young stated that he intends on concreting his driveway at some point but has to be able to do it when he is financially ready. He indicated that his original driveway was improperly done and he won't be able to fix it by next year's deadline. He added that he has improved his property to the best of his ability but everything takes time. Mr. Young stated that parking on the street is not a solution for this problem.

Connie Hovey stated that her home, that was constructed in 1943, doesn't have sidewalks or curb and gutter. She stated that she doesn't feel it's fair for the City to enforce hard surfacing when it doesn't do its part in other ways. She stated that gravel should be maintained by eliminating weeds.

Sue Turley stated that gravel landscaping is difficult to maintain but it is no different than having a gravel driveway. If gravel landscaping is an approved method she feels gravel driveways should be too. She stated that most people in the City do have hard surfacing and those that don't should be given time to meet those standards. Ms. Turley stated that older homes take awhile to grow into and improve to the standards that modern homes are built.

Antoine Carlosano discussed concerns with his basement and stated that he was not here in regard to the gravel driveway issue. Frank referred him to the Building Inspections department and indicated he would ensure they gave him a call.

Gerald Wise stated that he understands where everyone is coming from with their concerns on this ordinance. However, he indicated that he spent \$2800 to concrete his driveway when he heard about this new ordinance taking effect. Mr. Wise said that if people can afford to purchase their numerous cars, they can afford to maintain their driveway. He stated that residents of the City knew this was coming since 2005 which should have been more than enough time to fix their driveways. Mr. Wise explained that he has no problem with gravel as long as it is maintained but stated that 90% of home owners do not maintain their driveways now and won't in the future, even if the City decides to allow them. He stated that the current ordinance is there for a reason and even though he is disabled he was able to find the money to concrete his driveway. He added that by changing the law it would be unfair to those people who spent their money to concrete their driveways upon hearing about this ordinance change. He stated that he supports improving the City to the best levels it can be.

Frank Lilly presented a letter emailed from Gary Zabriskie detailing a list of recommendations he had for the Planning Commission regarding this issue. These recommendations include: all homes built prior to 1988 should be exempt from the geotextile fabric requirement, strike the entire geotextile fabric provision and encourage a weed free surface in any manner possible, and the number of years to replenish the gravel should be removed and simply stated as needed.

Jason Jones stated that the original purpose of this ordinance was to improve the aesthetics and image of the City. He indicated that finding ways to reduce crime and gang activity is a better way to do this rather than put a financial burden on residents of the City for having a gravel driveway. Commissioner Jones stated that there is a homeless facility being built near 4 schools in the community and the City has taken no official position on it. He indicated that eradicating gravel driveways will do little for the image and appeal of the City. He concluded that if people stop moving into the City because of gravel driveways, that should be the time the issue is addressed.

Jack Matheson indicated that he had gravel driveways in his first two homes and they can be nice as long as they are well maintained. He stated that the most important thing seems to be keeping the gravel weed and dust free. He added that there are likely few people who can afford the cost of hard surfacing in today's economy. Commissioner Matheson indicated that the gravel must be crushed rock or ¾ inch diameter gravel because he feels peabody gravel and road-base doesn't work well or look attractive. He added that if homes constructed prior to 1988 are expanded by 25% they must be hard surfaced. He explained that if someone has enough money to build a garage, they should be able to remove their gravel driveway. Commissioner Matheson stated that he feels the ordinance is a burden the way it is now and gravel driveways are fine as long as they are properly maintained. He added that new gravel should be required to have the geotextile fabric underneath.

Terri Mills stated that the issue seems to be enforcement on existing properties and she doesn't feel that requiring hard surfacing is fair or necessary. She added that many properties

have different needs and those different needs can't necessarily be met with hard surfacing products.

Mary Jayne Davis stated that she understands both sides to the problem. She believes that requiring hard surfacing is a very expensive, difficult ordinance in today's economy. However, she also explained that every City must have standards and trying to enforce gravel driveways is still a difficult problem for the City. She indicated that she doesn't love the ordinance or hate it but the issues presented are important and shape how the City is perceived.

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

Motion: Commissioner Conder moved for approval with the following specifications:

1. **Agricultural.** Parcels of at least ½ acre on which an agricultural use occurs will be allowed to have a gravel driveway, provided it leads to a garage, accessory building, or properly located parking area. *In addition, agricultural access roads will not have a hard-surfacing requirement.*
2. **Residences built prior to March 30, 1988.** Parcels built before this date may use a gravel driveway for all off-street parking; however, if the home is significantly expanded, resulting in a 25 percent increase in floor area or if a new garage is constructed, the minimum required parking must be replaced with a hard surface. The date chosen is the effective date of the first ordinance to mandate hard surfacing in parking areas.
3. **Residences within the Mountain View Corridor Alignment** will not be required to replace their gravel driveways and parking areas with a hard surface.
4. **All Residences.** All residences will be required to maintain a hard surface for the minimum required area for driveways and parking, but additional parking in the side or rear yard can be gravel. Permanent parking in the front yard must be paved and permanently maintained with a hard surface. No more than 40 percent of a front yard in a typical West Valley City home may be hard surfaced or gravel for use as parking.
5. **Heavy Equipment in Manufacturing Zones** may be parked on gravel. Heavy equipment uses will be evaluated for their impact on City streets, neighboring properties, and the subject property.
6. **Recreational vehicle parking** may be accessed through landscaping.

7. Gravel must have a minimum depth of 3 inches and must be either crushed rock or ¾ inch diameter stone.
8. Gravel must be replenished as needed to maintain a dustless surface.
9. A geotextile fabric is recommended for any new gravel installed.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Jones	No
Commissioner Matheson	Yes
Commissioner Mills	No
Chairman Woodruff	Yes

Majority -ZT-3-2009– Approved

**ZT-1-2009, Transit Oriented Development Zone
West Valley City
3600 Constitution Boulevard
West Valley City, Utah 84119**

Zone Text Change Affecting:

West Valley City Code, 7-1-103, Definitions

West Valley City Code, 7-6-101, Establishment of Zones

&

Establishing West Valley City Code, 7-6-1700, Transit Oriented Development Zones

Continued from 10 June 2009

Purpose

This Zone Text Change is proposed to establish zoning options, incentives and guidance for the development of Transit Oriented Development (TOD) projects around light rail transit (LRT) or bus rapid transit (BRT) stations. TOD is an approach to development that integrates land uses, development intensity and transportation options, centering primarily on access to the public transit system.

Issues

Upon approval of continuation of this application at the 10 June 2009 Planning Commission meeting, several changes were recommended. Each of the changes mentioned below were changed in the text of the TOD ordinance:

1. Provide a more general **high performance building and site design density bonus**, making third party verification optional. Broad goals of high performance building design are included to provide some direction. This change makes this density

- allowance more accessible, but potentially more difficult to objectively verify. West Valley City staff is not currently in a position to verify high performance measures and getting to that point may be more time-consuming, difficult and costly than might be expected. This element must be applied in a fair and objective manner to any and all developers, which is not possible in the City at present given the current language of this requirement.
2. Provide for a **parking structure density bonus**. This additional density allowance is an excellent addition to the list of incentives, potentially making development more feasible.
 3. Replace the **maximum building height** measured in feet to one measured in more flexible stories. This was further amended to include an absolute maximum building height of 75 feet. The use of a measure in stories allows enough flexibility for a developer to provide a 15 foot story for a higher quality residential, commercial or office interior, while not risking the loss of an entire floor. The height cap of 75 feet is the same as the C-2 zone limit, where much of the potential TOD is likely to be located.
 4. Provide a **residential unit size minimum** by type (number of bedrooms) as well as a limit to the share of studio units in a development. The interest of West Valley City and the Planning Commission in high quality and high end TOD development may not be realized through this unit size requirement. Many factors influence the cost, quality and desirability of residential units, the area of the unit being only one variable. Many other factors will affect the price of a residential unit including access to multiple modes of efficient transportation, interior design elements and views, access to nearby services and schools, the desirability of the area, access to parks and recreation, land values, and a healthy and safe environment. Rather than a required minimum unit size standard, the concept may be added to the high end housing density incentive as an option for developers. The size of a residential unit might be more a matter of individual taste, which the residential market may address on its own.
 5. Eliminate requirement for **residential fenestration**. While there are some minor benefits to keeping this requirement in maintaining district consistency and potential long term adaptive reuse, this change is also appropriate considering the interest in residential privacy.
 6. Require that **light fixtures** be installed on both sides of the street. This would apply largely to streets internal to a development where a 'Streetscapes Along High Image Arterial' ordinance does not already apply. Developers will not be required to install street lamps on a streetscape that is not within their proposed development area.

Other concerns expressed at the Planning Commission meeting not addressed in the application include the use of radii to represent the possible location of a TOD zone and the potential for excessive interest in or use of the TOD-O zone as opposed to the TOD-R, TOD-E and TOD-M zones.

Staff Alternatives

1. **Approval**, a positive recommendation of this ordinance to the City Council.

2. **Approval with further recommendations**, a positive recommendation of this ordinance to the City Council with suggested changes as determined through the public hearing.
3. **Continuance**, to complete further research and/or resolve any questions.
4. **Denial**, a negative recommendation, without formal comments or suggested changes, of this ordinance as written to the City Council for reasons determined through the public hearing.

Applicant:

West Valley City

Discussion: Shane Smith presented application. Jason Jones stated that 45 units per acre is extremely dense and he is uncomfortable with the bonus incentives which could allow that many units. Jack Matheson replied that he feels okay with the density incentives because it will be impossible for anyone to achieve all of them.

Phil Conder stated that he feels a lot of good progress has been made on the ordinance but it is still fundamentally flawed in reference to the "O" zone. He indicated that this zone is too appealing and the majority of applicants will likely apply for this zone rather than the others. Harold Woodruff indicated that the City will be instituting specific zones at various locations. Shane agreed that this is the City's intent.

Terri Mills commented that she fears 75 foot buildings will overshadow existing neighborhoods throughout the City. She indicated that even with a transition zone the shadows cast by large buildings will permanently effect the lives of residents. Commissioner Mills stated that she approves of the changes made to signage requirements but still feels that the amount of signage permitted is too great. She indicated that she feels no monument signs should be allowed in station areas at all because buildings can be labeled appropriately and adequately. Commissioner Mills stated that she also has a concern with different types of development in one area and with the way the percentages are broken down in the ordinance. She indicated that this type of use would be good in certain pockets but not along the entire length of the 3500 South corridor.

Mary Jayne Davis stated that she agrees with Commissioner Mills regarding high density all along 3500 South. She indicated that she has been reading extra material on TOD but still finds it difficult to embrace the ways in which residents lives will be different.

Harold Woodruff commented that property owners, members of the Planning Commission, and City Council will all have to chance to review each TOD application and provide input and restrictions for different neighborhoods. He added that he is not concerned with density problems because no one will be able to pick up all bonus incentives. Jack Matheson agreed and stated that the most dense a building will likely get is 30-35 units per acre and this could be a very nice building. Chairman Woodruff added that only so much can be packed into a given area and studios have

been limited in the ordinance.

Commissioner Conder clarified that even if the City rezoned a particular area for a specific TOD zone, someone could still apply for a rezone to TOD-O within that area. Shane agreed that a zone change will have to occur first so the City and the Planning Commission will have control over what is placed in an area. Commissioner Conder also clarified that a development agreement will need to be signed with the "O" zone. Shane replied yes. Commissioner Mills questioned how properties less than 2 acres will be affected by TOD. Shane explained that properties under 2 acres intended to be only residential will not be able to apply for a zone change to TOD at all, though properties intended to be mixed or other uses may.

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

Motion: Commissioner Matheson moved for approval of the document as it is subject to the changes previously made by staff.

Commissioner Davis seconded the motion.

Roll call vote:

Commissioner Conder	No
Commissioner Davis	Yes
Commissioner Jones	Yes
Commissioner Matheson	Yes
Commissioner Mills	No
Chairman Woodruff	Yes

Majority -ZT-1-2009– Approved

PLANNING COMISSION BUSINESS

Approval of minutes from June 10, 2009 (Regular Meeting) **Approved**

Approval of minutes from June 17, 2009 (Study Session) **Approved**

There being no further business, the meeting adjourned at 6:17 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant