

**WEST VALLEY CITY  
PLANNING COMMISSION  
MINUTES**

**July 14, 2010**

The meeting was called to order at 4:04 p.m. by Chairman Harold Woodruff 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 Lehman, Shane Smith, Ron Weibel, and Nichole Camac

**WEST VALLEY ADMINISTRATIVE STAFF:**

Claire Gillmor, Assistant City Attorney

**AUDIENCE**

Approximately eight (8) people were in the audience

## **ZONE CHANGE APPLICATION**

### **Z-1-2010**

**Phil Holland**

**5300 South 5600 West**

**M to R-1-4 and C-2**

**16.2 acres**

Phil Holland with Strategic Capital Partners is requesting a zone change for a 16.2 acre parcel at approximately 5300 South 5600 West from M (manufacturing) to R-1-4 (residential, single family, minimum lot size 4,000 square feet) and C-2 (general commercial). Surrounding zones include R-1-7 to the west and north, R-1-6 to the east in Salt Lake County, and C-2 to the south. Surrounding land uses include single family homes or lots planned for single family homes to the north and west, single family homes to the east, and a convenience store and vacant land to the south. The subject property is designated as mixed use including commercial and medium density residential (7 to 12 units per acre) in the West Valley City General Plan. The southeast portion of the property is developed as a Maverik convenience store.

Attached to this report is a letter from the applicant which outlines the reasoning for this application as well as a timeframe for when the different components of the project would be built.

### **Background**

Up until 6 years ago, all of the property within the City that is east of the West Ridge Golf Course was zoned M. In 2004, the City changed the zoning on the City owned property to the southeast of the golf course from M to R-1-7. This land was then sold to Ivory Homes which Ivory then developed as the Westridge Estates Subdivision.

Back in the later part of 2008, Colin Wright, who works with Phil Holland, submitted a zone change application from M to R-1-4 and MXD for the subject property. This application was continued indefinitely at the applicant's request in light of the City's efforts in creating a new TOD (transit-oriented development) zoning ordinance. Since that time the City is now focusing on creating new zones for specific districts where TOD is anticipated, such as Hunter Town Center at 3500 South and 5600 West instead of a TOD Zone that could apply in multiple areas of the City.

UTA and UDOT have committed to building bus rapid transit (BRT) in dedicated lanes in the center of 5600 West between 6200 South and 2700 South by 2015. Stations for this BRT are planned every mile with a station planned at the intersection of 5600 West and 5400 South. The Wasatch Front Regional Council's regional transportation plan includes BRT along 5400 South by 2030. The subject property is currently serviced by bus route 54, which runs along 5400 South and connects with the 5300 South TRAX station, and by bus route 356, a fast bus with limited stops and park & ride lots that runs along 5600 West and goes to downtown Salt Lake.

### **Development Concept**

A copy of the proposed concept plan is attached. The latest concept includes three different types of uses. The R-1-4 portion of the project includes an 80 unit, 4 story, senior apartment building and 55 single family home lots ranging in width from 45' to 60' and in area from 4,230 S.F. to 6,133 S.F. Elevations of the proposed home plans and the senior apartment building are attached. For means of comparison, the concept plan submitted back in 2008 is also attached. The table

below compares the concept submitted in 2008 with the concept submitted with this application.

	<b>2008 Concept</b>	<b>Latest Concept</b>
Commercial area (acres)	3	3.5
Single family home lots	44	55
Senior apartment units	78	80
Apartment units	72	0
Total units	194	135
Residential density (units/acre)	14.7	10.6

As described in the table above, the latest concept has slightly more commercial and significantly fewer residential units overall when compared with the concept from 2008.

#### Applicable Ordinances

Given the blend of uses proposed and the location of the project, several ordinances apply to this property. These ordinances include transfer of development rights (TDR) for the residential portion of the project, planned unit development (PUD) for the single family detached portion, commercial design standards for the office and retail portion, multi-family design standards for the senior apartments, single family design standards for the single family detached portion, overpressure zones for the entire project, and standards for landscaping along high-image arterial streets along 5600 West and 5400 South.

#### Development Agreement

Staff has been working with the applicant to develop a detailed development agreement. A draft of this agreement, entitled “Exhibit B – The Villages at Westridges”, is attached.

#### UTA Input

State law requires municipalities to notify UDOT of any land use application on property that will be impacted by the Mountain View Corridor as well as the associated transit corridor planned on 5600 West. Staff notified UDOT of this application and UDOT forwarded the information to UTA. Julianne Sabula with UTA provided a written response which is attached including several attachments referenced in the letter.

UTA is requesting essentially two things. First, that the City will request setbacks to accommodate the future transit right-of-way. This request is addressed in the development agreement. Second, that the City continue the application to allow more time to explore land use solutions that are more supportive of transit. On this second request, the Planning Commission should consider the following information:

1. This application was originally started back in 2008 and was continued to explore TOD Zoning.
2. The Mountain View Vision Agreement referenced in UTA’s letter includes the following at the beginning: “We agree that it is appropriate for local jurisdictions to apply the Mountain View Corridor Vision as each sees fit. Even while working towards common goals, jurisdictions will retain local control of general plans and zoning of land within their boundary.”
3. The residential density of the proposed development is over three times that of the surrounding neighborhood.
4. Staff believes a transition is needed between the homes to the north and west.
5. The proposal does meet the land use designation described in the City’s General Plan.
6. Staff is not opposed to continuing this application to allow more time to explore land use

solutions that are more supportive of transit. However, if the applicant does not want his application delayed, the Planning Commission can only continue the application twice before voting yes or no.

**Staff Alternatives:**

- Approval of the zone change subject to the standards in the development agreement.
- Approval of the zone change subject to the standards in the development agreement with revisions as determined during the public hearing.
- Continuance to address issued raised by UTA and/or other issues addressed during the public hearing.
- Denial.

**Applicant:**  
Phil Holland

**Applicant:**  
Colin Wright

**Neutral:**  
Hal Johnson (UTA)  
669 W 200 S

**Neutral:**  
Julianne Sabula  
669 W 200 S

**Discussion:** Steve Lehman presented the application. Jack Matheson asked if the proposed residential units would be subject to noise from the USANA amphitheatre and questioned whether home buyers would need to sign a waiver. Steve replied that this is not in the development agreement but added that the West Ridge Subdivision has a note regarding noise on the plat. He added that most people don't see the recorded plat unless someone requests it. Jack Matheson asked if the subdivision is in the overpressure zone. Steve replied yes and indicated that there will be a glazing compound on the windows to prevent damage. Terri Mills clarified that this does not affect sound coming from the amphitheatre, only shattering. Steve replied yes. Barbara Thomas stated that she is concerned about access from 5400 West into the commercial property. Joe Garcia asked if a current soils report has been done. Steve replied that a new soils report will be required before any development begins. Commissioner Thomas asked if there is any way to ensure the senior apartments are not turned into regular apartments. Steve replied that it will be a part of the development agreement and will require that one resident must be 55 years of age or older. Commissioner Matheson asked how parking is calculated for the development. Steve replied that there are 2 car garages and driveways for all single family units. He added that the commercial pad sites will be contingent upon the particular use. Steve explained that the number of required spaces for the apartment building may be reduced because of the senior element. Commissioner Thomas asked if there will be visitor parking. Steve replied that he doesn't believe there is any designated visitor parking areas.

Phil Holland, the applicant, stated that he has had many meetings with staff and feels this is a good development and fit for the area. He indicated that he feels the proposal is mixed use and coincides with the City's general plan. Mr. Holland described the different elements of the proposed development, the landscaping areas, and the street system. He added that the senior apartments will have their own amenities within the building and stated that each unit will have 1.2-1.5 parking spaces. Mr. Holland stated that financing for the project requires the apartments to be designated as senior apartments. Commissioner Thomas asked if there will be anyone living on site to manage the apartments. Mr. Holland replied this is something that is still being discussed and worked out. Barbara Thomas asked what the draw for the apartments is. Mr. Holland replied the amenities within the apartment, the transit, and the commercial property to the east.

Phil Conder indicated that he is concerned with the walkway from the senior apartments to the commercial pads. He suggested possibly opening the walkway up and adding benches, picnic tables, etc. Mr. Holland replied that the main goal of this walkway was to allow access to the commercial pads for the entire community. Commissioner Matheson stated that he feels this is a security concern and suggested a masonry wall between the commercial and residential lots. Mr. Holland stated that he agrees it is a potential safety issue and indicated that having the walkway is not necessary if the Planning Commission wishes to remove it. Terri Mills stated that the Planning Commission approved walkways similar to this at Valley Fair Mall. She stated that a residential parking lot is not that different than a commercial one and walkways promote interaction and walk-ability within a community. Joe Garcia agreed. Barbara Thomas asked if there are trails in the area for bike riding. Steve replied that there are no proposed trails but there is a walkway along the Westridge Golf Course that residents will be able to utilize. Steve added that details regarding walkways will be worked out further down the line.

Commissioner Matheson asked how many rooms the apartments will have in each unit. Colin Wright, the applicant, replied that this detail will be worked out later and will be based on what the market dictates. Commissioner Matheson asked if there will be any traffic calming on the long straight street through the center of the development. Mr. Wright replied that this will be discussed and determined with the City's Public Works Department. Commissioner Matheson stated that a four story building is too large for the area and will greatly affect the residential homes to the west. He stated that a three level building would be a much better option. Phil Holland pointed out that there will be a slope so the building will sit lower than the residential homes. Commissioner Matheson asked if there are low income designations for the apartments. Mr. Holland replied that this hasn't been discussed but he would speculate the price range to be mid to higher income. Colin Wright added that the only work done on the apartments are the elevations, age restriction requirement, and the general goal of including amenities. All other details will be worked out in a conditional use at a later date.

Commissioner Conder asked for a time line of construction. Mr. Wright replied that the residential portion will be started immediately and will take 2-3 years with the senior apartments being completed last. He added that the commercial property will take around 12-15 months. Jack Matheson stated that he feels the elevations for the residential homes are excellent but indicated that he would like to see less single family and more townhome transition. He added that he feels the senior apartments need more parking (including garages), possible RV pads, and additional storage. Commissioner Matheson asked if the senior apartments would be part of an HOA. Mr. Wright replied the senior apartments will likely have their own amenities so they won't be asked to participate in the HOA with the rest of the development. Mr. Holland stated that he feels the proposed development fits with planned transportation corridors in the area as well as the City's general plan.

Hal Johnson, representing UTA, stated that the proposed Mountain View Corridor, BRT, and the potential transition to light rail or street car in the future is being undersold in discussions for land use in this area. He stated that UDOT requires a certain amount of density to support transit and added that while this proposal is not horrible, there is too much single family proposed for a successful TOD. He stated that once a property is rezoned to single family it will likely stay that way for 150-300 years. He indicated that the other parts of the project may see re-development but UTA's concern is that there are

not enough parcels to support transit in the area and once that decision has been made, it is difficult to change. Mr. Johnson stated that transit could happen faster than anticipated depending on funding. He indicated the UTA would encourage the City to look at alternative plans and be more supportive of transportation. Harold Woodruff asked what type of density UTA would envision in the area. Mr. Johnson replied at least 15-20 units per acre. Julianne Sabula, also representing UTA, stated that UTA has submitted an alternative plan that is not dramatically different but would support transit a lot more successfully. She added that high quality units are important to TOD so more density isn't necessarily a bad thing if done right. Commissioner Conder asked what zone UTA would like to see at this location. Ms. Sabula replied that she would be willing to coordinate with City staff and the applicant to determine the best way to move forward. She briefly discussed proposed BRT transit on 5400 West and 5600 South as well as the Mountain View Corridor.

Terri Mills stated that she isn't sure where the Planning Commission stands regarding density. She pointed out that the applicant proposed a higher density development with townhomes a couple years ago and were denied. Jack Matheson stated that this proposal is in line with the general plan but he doesn't like the senior apartment building. Commissioner Fuller stated that he is not in favor of high density. Commissioner Thomas stated that she understands how a higher density development is important in supporting transit. She stated that she is concerned with the walk-ability of this project but added that she is more amenable to having smaller lots. Commissioner Matheson agreed and stated that town homes would be good to help boost density for in the project. Commissioner Garcia stated that transit needs to be taken further into account. He stated that bringing density to the area for UTA is critical. He added that he would like to include townhomes into the development. Commissioner Conder stated that details will be worked out at later time but changing the zone to 'R-1-4' feels like a good start. Commissioner Mills stated that this proposal is 3x what is currently there which is a substantial increase and will have an adequate effect on transit. She stated that making the development pedestrian friendly is very important. Commissioner Mills indicated that 1.2-1.5 parking spaces is enough for the senior apartment facility. She added that landscaping would distract from the four story apartment building which does feel like an eyesore. Chairman Woodruff stated that he feels there isn't enough density here for transit to be successful.

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

**Motion:** Commissioner Conder moved for approval of the zone change subject to the standards in the development agreement.

Commissioner Thomas seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	No
Commissioner Garcia	Yes
Commissioner Matheson	No
Commissioner Mills	No

Commissioner Thomas	No
Chairman Woodruff	No

**Majority – Z-1-2010 – Motion fails**

Chairman Woodruff called for a second motion.

**Motion:** Commissioner Matheson moved for denial

No one seconded the motion.

Chairman Woodruff called for a third motion.

**Motion:** Commissioner Conder moved for continuance to address issues raised during the public hearing.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	No
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Woodruff	Yes

**Majority – Z-1-2010 – Continued**

**ZONE TEXT CHANGE APPLICATION**

**ZT-9-2010**

**Section 7-2-111, Exceptions to Height Limitations and**

**Chapter 7-31, Alternative energy Systems**

**Staff: Shane Smith, Long Range Planner**

**Background**

This ordinance text change encourages and provides regulations for Alternative Energy Systems throughout the City. The proposed changes would remove ‘solar collectors’ and ‘windmills’ from the Exceptions to Height Limitations, and establishes Chapter 31, Alternative Energy Systems. Much of this proposed ordinance originated in the Model Wind Ordinance for Utah provided by the Utah State Energy Program. The proposed Chapter 31 would establish 3 primary sections: Standards for All Alternative Energy Systems, Standards for Small Wind Energy Systems, and Standards for Solar Energy Collection Systems.

The proposed ordinance would require that property owners apply for and receive a permit prior to erecting a wind or solar energy collection system. This administrative permitting process will allow Planning and Building Inspection staff to review the required site plan and system drawings for appropriate location and device/structure safety.

Staff believe that the height allowances for wind systems (80 feet, or 120 feet in Agricultural or Manufacturing zones) are reasonable to support energy collection at the scale appropriate to West Valley City and that the setback requirements will minimize the noise and ensure the safety of the devices.

The draft Alternative Energy Systems Ordinance is attached for your review.

**Staff Recommendation**

- Approval of the Alternative Energy Systems Ordinance Text Amendment

**Alternatives**

- Approval of the Alternative Energy Systems Ordinance Text Amendment, subject to changes
- Continuance, for resolution of any issues that may arise at the public hearing
- Denial of Alternative Energy Systems Ordinance Text Amendment

**Applicant:**

West Valley City

**Discussion:** Shane Smith presented the application. Brent Fuller stated that he would like to continue the application to further discuss maximum height requirements for wind systems on smaller lots.

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

**Motion:** Commissioner Thomas moved for continuance.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Woodruff	Yes

**Unanimous – ZT-9-2010 – Continued**

**ZT-10-2010**

**Chapter 7-1-108 & 7-2-121**

This zone text change is for two sections of Chapter 7. The first part is to bring some of the language in Chapter 7-1-108 dealing with the requirement of building permits and bonds in line with current building codes and to change other language that is out of date. The second part is to add language in Chapter 7-2-121 dealing with grade changes to clarify in code that it is the

property owner's responsibility to maintain any existing retaining walls.

**Applicant:**  
West Valley City

**Applicant:**  
Ed Domian  
Building Inspections Division

**Discussion:** Ron Weibel presented the application. Ed Domian explained that staff went through old bonds and discovered that current language in the ordinance was loose. He stated that some terminology has also changed and staff felt it was a good time to update the City's ordinances to meet the State code. He explained that there has been a lot of issues with retaining walls and confusion on whose responsibility it is to fix problems. Clarifying this in the City ordinances will be very beneficial in resolving these concerns. Jack Matheson asked if a resident could be fined if their bond is in default. Ed replied yes. Barbara Thomas asked if a bond is required for someone who wants to remodel their basement without a contractor. Ed replied no and added that bonds are only meant to protect an owner from a contractor. Phil Conder asked if retaining walls are required for any homeowner that modifies the elevation of their landscape. Ed replied yes. Joe Garcia asked whose responsibility it would be if the retaining wall is directly on the property line. Ed replied it would be considered joint property between both owners.

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

**Motion:** Commissioner Thomas moved for approval.

Commissioner Garcia seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Woodruff	Yes

**Unanimous – ZT-10-2010 – Approved**

**ZT-11-2010**

**Multiple sections of Title 7 reorganized to establish Chapter 7-13, Landscape and Streetscape Standards**

**Staff: Shane Smith, Long Range Planner**

**Background**

This ordinance text change largely reorganizes Title 7 such that most of the landscape and streetscape elements throughout the Title are pulled together in Chapter 13, formerly titled Standards for Landscaping along High Image Arterial Streets. There are also some new elements added to update the landscaping requirements and to make the ordinance easier to understand.

The proposed ordinance text amendment creates four landscape buffer types based upon existing

standards and provides graphic representations. Standards have been included for Vegetated Biofiltration Swales, minimum required plant sizes and minimum live plant material requirements for single- and two-family properties. New streets have also been added to the High Image Arterial street list as well as a requirement that the streetscape contain between 25% and 75% turf. A requirement has also been added that a developer provide a Tree Survey if the development proposal would remove ten or more existing trees.

The proposed Ordinance Text Amendment is attached for your review.

**Staff Recommendation**

- Approval of the Landscape and Streetscape Standards Ordinance Text Amendment

**Alternatives**

- Approval of the Landscape and Streetscape Standards Ordinance Text Amendment, subject to changes
- Continuance, for resolution of any issues that may arise at the public hearing
- Denial of the Landscape and Streetscape Standards Ordinance Text Amendment

**Applicant:**

West Valley City

**Discussion:** Shane Smith presented the application. Jack Matheson asked if a landscape architect is required in a commercial zone. Shane replied yes. Phil Conder stated that this ordinance is a monumental undertaking and it was difficult to digest and take in. He recommended that staff present the changes in different sections in the future. Terri Mills discussed the tree survey requirements and suggested that this requirement be applied to large and small lots. She stated that she feels it's important to have something in place to preserve and rebuild trees. Jack Matheson stated that he feels the Planning Commission needs more discussion on this item. He added he would be interested in seeing a list of trees available to plant in the City.

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

**Motion:** Commissioner Mills moved for continuance to allow the Planning Commission time to further review the proposed changes to the ordinance.

Commissioner Conder seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Woodruff	Yes

**Unanimous – ZT-11-2010 – Continued**

**CONDITIONAL USE APPLICATION**

**C-14-2010**

**Instant Access Cash, Inc.**

**4735 West 3500 South**

**C-2 Zone .87 Acres**

Francisco Molina is requesting conditional use approval to operate a pawn shop and car title loan company called Instant Access Cash, Inc. at 4735 West 3500 South in an existing commercial building. This property is in a general commercial (C-2) zone and the West Valley City General Plan designates this area as general commercial. The properties directly to the east and west are zoned C-2, to the north across 3500 South the zoning is C-1 and to the south the zoning is R-1-8. There is a senior housing project, single family attached, directly to the south of the subject property.

The proposed business will be operated as a pawn shop and also do car title loans. The pawn shop will not accept any firearms. If it becomes necessary to repossess a vehicle the business owner has a company named TN Recovery who will do this and those vehicles will be stored at their location in Salt Lake City. There will be no vehicles stored at this site. Due to the size of the property and the limited area available for parking and pedestrian access, no outside storage or display of merchandise will be allowed in front of the building, in the parking lot or in the landscaped setback area.

**Staff Alternatives:**

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

1. The hours of operation shall be limited to 9:00 A.M. to 7:00 P.M. Monday through Saturday.
2. No vehicles shall be stored onsite.
3. No firearms shall be bought, sold or pawned as part of this business.
4. There shall be no outside storage or display of merchandise at this site.
5. All signage shall comply with the West Valley City Sign Ordinance, to include no more than 10% of the first floor front face square footage in wall signs and no more than 50% of the window area covered in signs.

Continuance, to allow for the resolution of any issues raised at the public hearing or for the applicant to provide revised site plans and elevations.

**Applicant:**

Francisco Molina  
4735 W 3500 S

**Neutral:**

David Anderson  
4721 W 3500 S

**Discussion:** Ron Weibel presented the application. Harold Woodruff clarified that this is not a check cashing facility. Ron replied that it is not and added that check cashing is a separate use and the City is already over the allotted number of businesses allowed by the ordinance. He added that one letter has been received against this use from the owners of the restaurant on the corner of 3500 S and 4800 W.

Francisco Molina, the applicant, stated that he hopes to open his business as soon as possible. He stated that there will be no check cashing and no firearms sold. Jack Matheson asked if a big part of the business is jewelry. Mr. Molina replied yes.

David Anderson, a neighbor, stated that he will be more affected by the pawn shop than anyone. He stated that he is not opposed to the use but is concerned about the peaceful enjoyment of his property. He stated that he appreciates that the business will not be open late. Mr. Anderson indicated that this use is an improvement over the previous owners but added that he would like to know if a better fence and improved lighting could be included in the applicant's request for approval. Ron stated that this is an existing retail property so the Planning Commission cannot go back and require better fencing and lighting for this type of request.

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

**Motion:** Commissioner Thomas moved for approval subject to the five conditions listed by staff.

Commissioner Fuller seconded the motion.

**Roll call vote:**

Commissioner Conder	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Thomas	Yes
Chairman Woodruff	Yes

**Unanimous – C-14-2010 – Approved**

**PLANNING COMMISSION BUSINESS**

Approval of minutes from June 9, 2010 (Regular Meeting) **Approved**

Approval of minutes from July 7, 2010 (Study Session) **Approved**

There being no further business, the meeting adjourned at 6:06 p.m.

Respectfully submitted,

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Nichole Camac, Administrative Assistant