

Minutes from the June 10, 2015 Planning Commission Public Hearing

The following minutes are verbatim

GPZ-1-2015

West Valley City

General Plan changes from various land use designations to large lot residential or non-retail commercial and zone changes from various zones to A or A-2

741 Acres

This application was continued by the Planning Commission during the May 13th public hearing to allow more time to evaluate the application.

At the direction of the City Council, staff has submitted a General Plan/zone change application for 741 acres in various locations throughout the City. The proposed General Plan changes are from low density residential (3 to 4 units/acre), residential office, mixed use, heavy manufacturing, light manufacturing and commercial light manufacturing to either large lot residential (2 to 3 units/acre) or, in one situation, non-retail commercial. The proposed zone changes are from A, A-1, M, R-1-6, R-1-8, R-1-10 and R-4-8.5 to either A or A-2. Included with this report is a map highlighting the proposed zone changes and a list that identifies all of the properties affected by the proposed General Plan changes and zone changes.

The City Council has long been concerned about the shrinking amount of available land for residential development and the lack of high end or executive type housing in the City. Included with this report is a map showing home values across Salt Lake County and a document entitled "Talking Points for Housing Standards." This map and document help illustrate the Council's concerns. To address these concerns, the Council passed a temporary land use regulation or moratorium of zone changes to any residential zone on October 7, 2014. This moratorium, which became effective on October 14, 2014 was in effect for six months.

During the moratorium staff had several discussions with the City Council to explore ways to address the lack of high end housing in the City. After considering different options, the Council directed staff to submit applications for them to consider the proposed ordinance revisions in application ZT-3-2015 and the rezones proposed in this application. For reference, there are a total of 22,930 total acres within the City and the 741 acres represents about 3% of the City. Of the 40,192 total housing units in the City, 27,180 are single family detached homes.

When compiling the list of properties to include in the application, staff used the following criteria:

- The property is vacant or only partially developed.
- The property individually is at least 2 acres or the property, together with other adjoining property, is at least 2 acres.
- Residential development is anticipated on the property.

Properties that have already been entitled for residential development are excluded.

For those properties that are currently designated as non-residential in the General Plan but are

now proposed as residential, an explanation for why the non-residential designation is being changed to residential is provided below:

- 6002 S and 6152 S SR 111 – While owned by ATK, these properties are located on the west side of SR-111. SR-111 is a wide right-of-way that separates the property for manufacturing zoning on the east side of SR-111. The property to the south has already received zoning and development agreement approval for single family residential.
- 4798 S 6400 W – This property is also owned by ATK and is located north of the Union Pacific railroad tracks. There are already several locations along the railroad tracks that have developed as residential.
- 6511 W and 7011 W 6200 S and 6420 S SR 111 – These properties are located south of 6200 S between SR-111 and the Mountain View Corridor. These properties are mostly outside of the overpressure zones and are currently zoned R-1-10.

While not required, it is anticipated that the properties affected by the proposed zone changes will eventually be developed for residential use. The one exception is the property located at 4500 South 2700 West where office use is anticipated. A property zoned A-2 could be developed under the 2 acre format or the property owner can submit an application for a zone change to the RE zone if smaller lots are preferred.

During the Planning Commission study sessions that followed the May 13th meeting, the Commission discussed whether some properties should be excluded from the proposed General Plan and zone changes. Three alternative recommendations were discussed:

- Move forward with the zone change on properties currently zoned A, A-1 and M. For all other properties, change the zoning to R-1-10.
- Reduce the scope of the changes by removing properties that are less than 5 acres in area.
- Deny the application and initiate separate applications to allow the Planning Commission more time to consider a smaller group of parcels at a time.

At the request of the Commission, staff prepared a map showing the outcome of leaving out parcels that are less than 5 acres. The remaining acreage under this scenario would be 590 acres.

Staff Alternatives:

1. Approval of all General Plan and zone changes as proposed.
2. Approval of all General Plan and zone changes proposed on properties currently zoned A, A-1 or M. For all other properties, change the zoning to R-1-10.
3. Approval of all General Plan and zone changes except for those proposed on properties less than 5 acres.
4. Continuance, for reasons determined during the public hearing.
5. Denial. The Planning Commission recommends that staff initiate several General Plan/zone change applications to consider the same properties in smaller increments instead of all of them at once.

Applicant:

West Valley City

Opposed:

Tom Giovengo
3850 S 5600 W

Opposed:

Fred Brock
4411 W 4515 S

Opposed:

Eric Bishop
44 Wanderwood Way
Sandy, UT 84092

Opposed:
Greg Fabiano
8121 Copper Canyon Way

Opposed:
Thomas Michael Mansfield
2753 S 7200 W

Opposed:
Jim Seaberg
978 Woodoak Lane

Opposed:
Mary Jayne Newton Davis
6685 W Feulner Ct.

Opposed:
Frank Newton
3665 S 6580 W

Opposed:
Robert Farnsworth
7776 Oak Shadow

Discussion (verbatim)

Barbara Thomas

So our... let me get in to the... amendments. Steve?

Steve Pastorik

Thank you. So again this is an application that's been discussed at length... just as we've discussed in the previous meeting but also in Study Session's, been several issues discussed and we have in the staff report several options as with the previous application. I'll just briefly discuss those options or alternatives. So the first would be that on all the on the zone changes that are proposed all those would be approved as proposed. The second would be that for those properties that are zoned A, A-1, or M that the zone changes would go forward as proposed. For the properties zoned anything else, they would either be changed to R-1-10 or remain R-1-10 for those that are zoned R-1-10. The third option would be that the Commission would recommend that all the recommended changes be forwarded to the City Council with the exception of properties less than 5 acres. That would reduce the amount of acreage to 590 acres and the total property would be just over 50 properties that would be remaining in the zone change if the Commission were to recommend that change. Again continuance of course being an option. Finally a denial option and as the Commission had discussed in the Study Session that would, well at least as written, the denial would allow staff to come back and look at individual properties or groups of properties as opposed to doing this in all one large application.

Barbara Thomas

Thank you. Questions? Alright anyone that wishes to speak to this application? Mr. Giovengo.

Tom Giovengo

Tom Giovengo. I still believe that you're... you can say what you want that it's not a taking but the lowering of the value and like I said earlier, if everybody goes out and has a property reappraised for tax time, there'll be a big loss of property dollars. Plus a lot of us like me, I don't have to sell ever. I don't have cousins or brothers or sisters saying give me the cash, show me the money. I don't care you know? So you just need to go option 5 and deny the whole damn thing.

Barbara Thomas

Thank you Mr. Giovengo. Is there anyone else who wishes to speak to this application? Sir?

Fred Brock

Once again, thank you. Fred Brock. I just felt I needed to stand up and say I encourage you to deny this application. Thank you.

Barbara Thomas

Thank you. Is there anyone else? Oh I've got this gentleman back here.

Eric Bishop

Eric Bishop, 44 Wanderwood Way Sandy, Utah. Again I think the arguments that I made earlier with the earlier zone change still apply. That each property should be looked at based on its own unique characteristics. A blanket zone change would be fundamentally unfair and really not necessary again giving how each property is, has it's again its own unique situations... should be dealt with on a case by case basis. Again I think it's good planning to look at each individual property and try to assess what the existing uses are and try to then adapt uses that are appropriate for the surrounding area. The property again that I talked about earlier 4500 S and 2700 W. Again has more of a transition use than just a blanket large lot residential use. So again the comments that I had earlier I think apply to this as well. Thank you.

Barbara Thomas

Thank you. Sir? Briefly because we do remember what you said last time too.

Greg Fabiano

I'll be quick. Greg Fabiano, I represent the Salt Lake Board of Realtors. One more time I hope I don't get... when I had mentioned earlier in regards to what was stated when I mentioned taking of... I specifically mentioned taking of value. I do not want to get lost in the semantics of the conversation. Let me rephrase that. Diminishment of value or diminishing of value of property. I just wanted to make sure that was clearly understood. I'm not trying to indicate that this would create a defacto taking of property. I never meant that nor did I say it. So I specifically am referencing a diminishing of value of property that property owners here present. Likewise I think in, per what has just been said that each individual property should be considered on its own merits, its own location, its own specific characteristics, and making a blanket zone and demand of individual property is inherently counter to the characteristics of land itself. So thank you.

Barbara Thomas

Thank you. Is there anyone else? You sir in the blue and did I see a hand back here?

Thomas Michael Mansfield

Thomas Michael Mansfield, 2753 S 7200 W. Everything's been said and I'm in favor of denying it. Thank you.

Barbara Thomas

Thank you Mr. Mansfield.

Jim Seaberg

Hi I'm Jim Seaberg, 978 Woodoak Lane, Salt Lake City, Utah. Appreciate the dialogue that's taken place. Appreciate your patience with all the comments that have been made. I represent Ivory Commercial which is also labeled as ICO. We've been a long time developer in West Valley City. We believe in the City. My sister company Ivory Homes has likewise done the same thing. Obviously you know of what has been done throughout the City. We appreciate your service on behalf of the citizenry, on behalf of business people like ourselves that try to make communities actually really what they should be, great communities in which people have the opportunity to reach their own aspirations. Given the independence signs and things that you have here in this chamber, we support people's individual rights and property rights. All that's been stated. What I'd like to do is simply ask a couple of clarifying questions that I can then get commentary to. So Steve could you help me understand the recent statements that you made suggest that this particular GPZ-1 would exclude a number of properties for which ZT-3 would apply... is that correct?

Steve Pastorik

So the revisions in the first application, the ordinance revisions would apply to all properties in terms of what zones could be requested into the future. The options I discussed are only applicable on this application to the 131 properties that are the subject to the proposed rezone.

Jim Seaberg

Right what I heard you say though is that properties that were subscale, less than 5 acres, etc, would therefore be somewhat excluded. So the reason I'm asking, you obviously know what we own. We own Highbury and we own 5600 W, another 45 acres. We represent 6% of the total area that would be rezoned. Obviously from our standpoint that's a very significant holding. I'm trying to clarify is that your proposing certainly our parcels would still be totally affected by this while others may not in the way you're proposing it. Other words, there will be fewer big land owners that would be proposed but a large number of the voting block and individual ownership would not be as affected.

Steve Pastorik

Depends on which option that the Commission goes with. But because of the previous recommendation, the options for rezoning, assuming the Council goes, essentially follows suite with the recommendation, would still be available. For example if you have a piece that's zoned agricultural now you would still be able to request say R-1-8, R-1-10 zoning based on the Commission's recommendation.

Jim Seaberg

Right. I just view that as... it's a harder hill to climb right? Because we have to go in and request an exception. That's, again, an aggressive posture based on what we deal with. We deal with over 50 jurisdictions across the Wasatch Front. We've been a longtime associate of West Valley and I think that just this idea generally has been seen by us as quite aggressive. We've invested, just on Ivory Commercial, over 40 million in recent project and plan to invest another over 100 million here locally. This has a significant impact on our posture relative to that. I just wanted to make a couple of comments about that. Last just make sure as you're considering these options, by the way Commissioner Woodruff I appreciate your compromise in option three, I think that was as much as could have been hoped for here given the dialogue and I think it's a thoughtful approach despite the fact that it'll make it a little harder for us. The only thing that I would ask you to consider is if our roles were reversed and this has been said by others but a little differently, if our roles were reversed would you be enacting the same kind of proposal. And I know that's sometimes a difficult position to be in but that's the only accord and appreciation we request of you as you consider these options. We'll see what happens at the Council meeting post this. Again I thank you for your time and your service on our behalf we'd love to continue to invest in your community, build great mixed use areas, and that would be our hope and aspiration going forward as we work for a compromise on this issue.

Barbara Thomas

Thank you. Commissioner Fuller has a question.

Brent Fuller

Steve nodded but I... what we did today won't make your approach to getting permits or development any differently.

Jim Seaberg

Explain that to me please because I don't understand that. Could you help me understand?

Brent Fuller

All the zoning that has been in place already is still there with the exception of just a couple small ones which you never would use anyway. So I... Steve?

Jim Seaberg

I didn't understand it that way so could you please clarify that?

Steve Pastorik

I think maybe the disconnect here is that if there's a property that Ivory owns now that's zoned agricultural then you'd need to rezone that anyway. If you have a piece that's already zoned R-1-8 or R-1-10, now they'd need to request a zone change where as previously they would not need to do that.

Jim Seaberg

We have significant parcels that are already zoned R-1-8 that will have to go back now to request an exception for even though it's been very accepted by the community and the marketplace.

Harold Woodruff

That's not true if we don't approve the zone change.

Steve Pastorik

Yes.

Brent Fuller

Yes. So yah.

Barbara Thomas

So are you clear on that?

Jim Seaberg

Do you want to clarify for me? You're looking at me like I don't get it... I may not. I apologize for taking everyone's time, I'd like to just understand.

Harold Woodruff

That's fine. Once again there's two separate parts here. Two different applications. What we just passed was creating a zone and actually defining exactly what that zone is and that's where we made the change from the City Council's point of view of allowing people to still request other zones. Now that we moved on to the second part, there's all those zone change proposals in front of us. Yes if we approved all those then you would have to come back and reapply. But if they're not approved, then everything just stays the way it is.

Jim Seaberg

Again I gave two points. One is, we have existing approvals for example that are R-1-8 that... I would hope I would not have to reapply for those and ask for an exception every time. Now those exceptions are recommended to be allowed in your first ordinance approval for tonight but we hope to not have to do that.

Harold Woodruff

I don't think there's any exceptions in the first ordinance. It just allows you to do things.

Jim Seaberg

Those allowances can be requested.

Harold Woodruff

You can apply. If you have an agricultural piece of property you can still apply for an R-1-10, R-1-8.

Jim Seaberg

But if it's already zoned...

Harold Woodruff

If it's already zoned and we changed it to agricultural then you would have to reapply. But we don't know if that's going to happen.

Jim Seaberg

Ya, okay. Great. Commissioner Fuller thanks for helping me clarify that. I appreciate you for asking that question and Harold thanks for your help. So those are my considerations. Again just put yourselves in our spot so if our roles were reversed, you would be appreciative of the joint effort that we both would be making together to make the City great.

Martel Winters

Can I ask him another question while he's still there? Don't go too far. Now your company has played a pretty good sized role in a lot of the Highbury area, is that right?

Jim Seaberg

Let me clarify, I represent Ivory Commercial not the single family side. We're the same company but different divisions. I don't have control over or work with the single family home side.

Martel Winters

Alright ok. Good. Thank you.

Jim Seaberg

Do you have a question related to that?

Martel Winters

Well I was curious if you were privy to some of the vision there. I love what's been done there in Highbury, I'm there, my kids go to school there, I'm there every day, I drive through there. I really like what's been done there. I appreciate the foresight that you've put through, that you've put together with that. I was curious. I mentioned earlier, I do like the idea of providing some, raising the bar a little bit which I don't know that I would say what's been done in Highbury needs to be raised much or at all perhaps. I was curious if you're aware... in the big master plan of what you want to do in that area, has there been thought to even larger or even nicer homes than what you've been doing there or has the plan been more of the same which is not bad... I'm just curious?

Jim Seaburg

So I can't comment on that specifically. Do you have a comment? Looking to one of our representatives from the development group. At this point, let me just tell you what our philosophy is as opposed to a specific plan. Our philosophy has always to be above the market and I think you've seen us do that. Secondly we master plan a community from mixed residential use or mixed use generally that incorporates commercial uses. Harold knows that we also do quite a bit of affordable housing which is why we're advocates of RM. There are places where that needs to be done. Adjacent to the highway, we need to have a buffer for single family homes. Oftentimes that ends up being an affordable housing project or some type of higher density multi-family. That may not be what you want now but that's the best use often and you've heard Mr. Bishop and others talk about that. Jointly planning with the Steve and his staff those or things we like flexibility in, again, that's something in terms of a broad principle you should look at. Just trust us as well. We build product for the market that is embraced and that is aspirational and people reach a little ahead of where they might have thought they could be so you have a nicer product than you might have envisioned otherwise. That's what we do in ICO, Ivory Commercial, and that's what we do in Ivory homes. We'd hope there'd continue to be joint collaboration to allow us to do that. If there's not, we will reconsider the ongoing development which would exceed over 100 million dollars that we'd proceed with in the City. Other Cities are much more embracing of what we're doing right now than what this ordinance would imply and it's something we would not have expected from the City at this point. Again we appreciate the legacy of work that's been done, we'd like for that to continue. Thank you.

Barbara Thomas

Thank you Mr. Seaberg. Yes, Ms. Davis.

Mary Jayne Newton Davis

Thank you for entertaining one more question. Steve, we're coming back to you again. Under what situation would you see a large agriculture piece being rezoned in an RE for instance? Can you hear me?

Barbara Thomas

Just pull the microphone down.

Mary Jayne Newton Davis

Oh hell.

Barbara Thomas

I heard that.

Mary Jayne Newton Davis

You heard that. Under what circumstance might you see a large agriculture piece being rezoned with an RE?

Steve Pastorik

You mean under this proposal? So the way it's situated right now, as proposed, without any revisions, basically all the properties listed are zoned A or A-1, with the exception of properties under 2 acres, would be changed to this either A-2 or A proper zoning, excuse me. Those are zoned A or A-1 now will go to an A-2 zoning assuming they have at least two acres of property. Under the A-2 zone, again as it was mentioned, we would anticipate that those would be eventually be changed to accommodate residential development. So that would imply that the RE zones be used in those situations. However given what the Commission just recommended in the previous application there are other zones now available again pending City Council's final decision. Sorry that's a long answer to a short question. As it was originally proposed, any properties that were zoned A-2 would go to the RE zone. Now that the Planning Commission has recommended there's other zones that could be applied for.

Mary Jayne Newton Davis

Thank you. I thought so. Thank you all. You are terrific.

Barbara Thomas

You're welcome. Thank you. Sir?

Frank Newton

I'm Frank Newton, I live at 3665 S 6580 W, West Valley City, UT 84128. I do appreciate the effort that's gone in by the Planning Commission but I'm against... I mean we have a process in place already where if we want to develop our ground, we come in and we apply for the zoning. Why do we need to do anything? Let's just deny it. It, to me, it makes no sense when we already have something that works. The housing is improving, we've seen that in a number of developments, for example Highbury, Fassio Egg Farms is a great example, Breeze Drive I think, there's a number of improvements that are happening currently. Why do we need to change it? We don't need... it's like the Obamacare, let's pass it to see what's in it. Let's don't pass it. Please deny it. Thank you.

Barbara Thomas

Thank you Mr. Newton. Anyone else? Sir.

Robert Farnsworth

Thank you again, real quick, I just had one thought.

Barbara Thomas

Just your name real quickly please.

Robert Farnsworth

Robert Farnsworth. Madam Chair you already expressed to us and talked to us about how a master plan works and that it's reviewed by the Planning Commission. I would think that this is,

this rezoning should take place, if at all, it should go through that master plan review. It should be part of a City wide plan. Thank you.

Barbara Thomas

Thank you. Anyone else? Okay, I'm going to close this hearing. Bring the issue back up to the Planning Commission. Commissioners?

Martel Winters

Well I have a question I guess for Steve... help me to understand... are there... so if we deny this the way it stands right now, would there be anything that we, let me figure out how to say this. Would we still see all applications or would there be applications for a housing development or something that we would not see for one reason or other?

Steve Pastorik

Ultimately all subdivisions would come through the Planning Commission. It just becomes a question of whether or not a zone change would be required. So if there's a property that, let's say is already zoned R-1-8, if the Commission denies this application that property would remain R-1-8. That owner could then submit an application to subdivide that property. At that point it really becomes an administrative action where the Planning Commission is just making sure that they comply with the ordinance. There's really not an ability to say no to a subdivision application where the zoning's already intact. Property that's currently zoned agriculture that wanted to develop to say R-1-10 would still have to come through the Planning Commission to request a change in zoning. That's always been the case. So it just depends on what the zoning is now and what level of approval they need in order to develop.

Martel Winters

So if it's currently zoned R-1-8 then as a Commission we, at that point, cannot make the decision to say we'd really like an R-1-10 here at that point. We don't have that option.

Steve Pastorik

Right unless again if there was some future application on a specific property to say change the zoning to R-1-10. If you just deny this and there was no further action taken then that property could develop as an 8,000 square foot lot subdivision.

Martel Winters

Okay. We could still impose, the point system would still be in place, still impose house size. Things like that.

Steve Pastorik

Right. Those are already in place.

Martel Winters

So like the house size would already be in place as part of that zone.

Steve Pastorik

Right so right now the minimum house size is 1400 square foot for a rambler and 1600 for a multi-level and would apply to any new home, regardless of the zone.

Martel Winters

Okay. We would not be able to say we think this would be better with little bit larger homes, we'd like you to do 1600 minimum for example. We would not have that ability?

Steve Pastorik

As part of a zone change you would but not if it's already zoned. If it's an R-1-8 you really would not have that ability.

Martel Winters

Okay. Thank you.

Terri Mills

You can say it. You just might not be heard.

Barbara Thomas

Commissioner Fuller?

Brent Fuller

Oh no...Unless their ready...

Barbara Thomas

Does anyone else have comments? Commissioner Matheson?

Jack Matheson

Not really. I'm not sure if I'm in favor of the A-2 zone or the RE zone but it does provide a way that we can look at each property individually and consider them.

Barbara Thomas

Alright. Anyone ready for a motion? Commissioner Woodruff is that a raise?

Harold Woodruff

Brent. Let Brent do it.

Barbara Thomas

Oh he's pointing. Thank you.

Brent Fuller

On GPZ-1-2015 I move for denial. The Planning Commission however recommends that staff initiates several GPZ applications to consider the same properties in smaller increments instead of all of them at once.

Barbara Thomas

Second?

Harold Woodruff

I'll second it but would you consider a modification in that... I don't know that I want it to be so definitive that we initiate an application for all these properties. I think we should have the option to drop some of them out if they don't make sense because of size or something. The way I read that it sounds like we don't have that option. Am I reading that wrong?

Brent Fuller

I'm reading this as saying we're going to take from some... from the Jordan River to 2100 South from front to back or whatever and say okay let's consider this area. Not individual pieces necessarily, just the entire area. Like Eric's property, I mean it would be something that we would consider. I mean it just... it was just a blanket proposal and it wasn't right. We just need to divide it up into smaller increments. That not how you interpret that?

Harold Woodruff

Well I read that as saying that every piece of property that is before us in this application we will initiate a zone change on and I didn't really... I'm not so sure that's the best approach.

Brent Fuller

I don't think that's the intent either.

Brandon Hill

Just as a quick clarification the effect of that motion if passed would be to recommend denial of the application to the City Council and the guidance would be exactly the discussion you're having now to say that in some form you'd like to see individualized applications whether that's one at a time or in groups of similar properties or however makes sense to do that. It wouldn't bind to a one by one 120 application process at all.

Harold Woodruff

Okay.

Barbara Thomas

Alright, any questions on the motion for denial? Ok.

Martel Winters

I wonder if we ought to have it maybe repeated with what the current verbiage sounds like then. With that clarification.

Brent Fuller

I think it was just a clarification of, what in my mind, what it meant. I'm not changing any of the verbiage.

Martel Winters

Okay.

Harold Woodruff

I'm okay with that.

Martel Winters

Brandon, your saying that means that we're not requiring anything, we're opening it up for discussion that it be addressed on a case by case basis or a group basis. Is that correct?

Brandon Hill

Yes sir and the effect of that would be you're recommending denial to the Council so you'd be saying Council on this application, you should deny it. And the reason why is because we want to see a more individualized process.

Martel Winters

And that could look like anything. It'll be a general...

Brandon Hill

Absolutely. And that's something you can give feedback on going forward, exactly what you want to see there as well.

Martel Winters

Okay. Thank you.

Barbara Thomas

Alright. Roll call please.

Nichole Camac

- | | |
|-----------------------|-----|
| Commissioner Woodruff | Yes |
| Commissioner Winters | Yes |
| Commissioner Mills | Yes |

Commissioner Meaders	Yes
Commissioner Matheson	Yes
Commissioner Fuller	Yes
Chairman Thomas	Yes

Motion for denial is approved.

Barbara Thomas

Thank you ladies and gentleman, appreciate your patience.

[applause from audience]

I imagine we'll be having a meeting with the City Council now.

[laughter]

Steve Pastorik

If I may, Madam Chair, so as we mentioned, both these applications will ultimately go to the City Council. There will be a notice sent out to all property owners as was done previously for the City Council meeting. So all the property owners will be notified of the date and time of that meeting.

Barbara Thomas

If you know of someone who didn't receive one that last time, let them know about the meeting. Thank you.