

**TAYLORSVILLE CITY COUNCIL
AGENDA ITEM SUMMARY**

MEETING DATE: August 19, 2015

AGENDA ITEM: **Public Hearing.** Ordinance #15-11 Amending the Taylorsville Zoning Map from RC (Regional Commercial) to CC (Community Commercial) on property located at 3915 West 4700 South.

PRESENTER: Mark McGrath

SUMMARY: The applicants are requesting a zoning designation amendment for property located at 3915 West 4700 South to facilitate the conversion of the former RC Willey building to a climate controlled interior storage facility. According to Taylorsville Code, personal storage is not permitted under the current provisions of the RC (Regional Commercial) zoning designation. The intent behind not allowing storage units in the RC zone is that this designation is generally reserved for locations that are prime regional retail sites and consequently should be reserved for uses that generate retail sales. Under current laws, storage units are not considered taxable retail.

According to the applicant's proposed redevelopment scheme, 20,000 sq. ft. of in-line retail tenant space would also be constructed within the RC Willey building and three new pads would be built in the existing parking lot to go along with the existing bank and fast food location (see attached site plan). Overall, approximately 96,646 sq. ft. of the RC Willey building would be converted to storage. Approximately 28,800 sq. ft. of new retail would be constructed between the new pads and the in-line space.

In addition, the applicants are proposing to complete an extensive exterior remodel of the RC Willey Building (see attached renderings). A key point of discussion at the Planning Commission meeting was the exterior quality of the existing building and the proposed remodel. As a result, the applicants have submitted two new options for the exterior of the building hoping to gain community acceptance. An additional discussion point at the Planning Commission was parking. Based on a preliminary staff evaluation, the property was significantly under parked as a result of the new pad buildings. To respond to those concerns the applicants have amended the site plan (primarily by removing RV storage in the rear of the building and converting it to public parking) to bring the site into compliance with adopted parking standards.

PLANNING COMMISSION RECOMMENDATION: In a 4-3 vote on July 14, 2015, the Taylorsville Planning Commission voted to recommend to the City Council approval of the proposed zoning amendment.

STAFF RECOMMENDATION: Staff's primary concerns with this proposal involve taking prime retail space out of a productive retail use – or at least substantially reducing it. This property has traditionally been a significant tax generating site and a net importer of retail tax dollars. Staff is also concerned about the overall aesthetic quality of the site and ensuring that the property remains an attractive gateway into the community.

Staff recommends that if the City Council chooses to rezone the property that the item be continued in order for staff and the applicants to work together to create a development agreement that will tie the proposed re-development to the rezoning of the property.

ATTACHMENTS:

- Proposed site plan
- Two exterior remodel options
- Elevations for proposed pads
- Planning Commission minutes

TAYLORSVILLE, UTAH
ORDINANCE NO. 15-11

AN ORDINANCE OF THE CITY OF TAYLORSVILLE AMENDING THE CITY OF TAYLORSVILLE ZONING MAP FROM RC (REGIONAL COMMERCIAL) TO CC (COMMUNITY COMMERCIAL) FOR PROPERTY LOCATED AT 3915 WEST 4700 SOUTH.

The City Council of Taylorsville ordains as follows:

WHEREAS, on July 14, 2015 the Taylorsville Planning Commission properly noticed and held a public hearing and voted 4-3 to forward a positive recommendation to amend the Taylorsville Zoning Map; and

WHEREAS, on July 3, 2015 a notice of public hearing regarding the proposed amendment was posted on the state public notice website; and

WHEREAS, on July 3, 2105 a notice of public hearing regarding the proposed text amendment was posted in 3 different places within the City of Taylorsville boundaries; and

WHEREAS, the Taylorsville City Council met in a regular session on August 19, 2015 to conduct and consider, among other things, a public hearing regarding the proposed map amendment; and

WHEREAS, after careful consideration and review, the City Council has determined that it is in the best interest of the health, safety, and welfare of the citizens of Taylorsville to amend the Taylorsville Zoning Map.

NOW, THEREFORE, BE IT ORDAINED by the Taylorsville City Council that this document be adopted to amend the Taylorsville Zoning Map from RC (Regional Commercial) to CC (Community Commercial) for the properties with the following legal description:

INSERT LEGAL DESCRIPTION

PASSED AND APPROVED this _____ day of _____, 2015.

TAYLORSVILLE CITY COUNCIL

By: _____
Kristie S. Overson, Chair

VOTING:

Daniel Armstrong	Yea	___	Nay	___
Dama Barbour	Yea	___	Nay	___
Ernest Burgess	Yea	___	Nay	___
Bradley W. Christopherson	Yea	___	Nay	___
Kristie S. Overson	Yea	___	Nay	___

PRESENTED to Mayor of Taylorsville for his approval this _____ day of _____, 2015.

APPROVED this _____ day of _____, 2015.

By: _____
Lawrence Johnson, Mayor

ATTEST:

Cheryl Peacock Cottle, Recorder

DEPOSITED in the Recorder's office this _____ day of _____, 2015.

POSTED this _____ day of _____, 2015.



EXTERIOR REMODEL

OPTION 1



EXTERIOR REMODEL

OPTION 2

TAYLORSVILLE MIXED USE DEVELOPMENT 3915 WEST 4700 SOUTH TAYLORSVILLE, UTAH

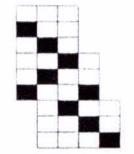
PROJECT - TEAM

DEVELOPER:
HYBRID DEVELOPMENT LLC
980 HIGHLAND DRIVE
SUITE 100
300 AAA BEACH, CA
FONALD (480) 776-7143
FAX (480) 334-1000
CONTACT: JAMES ORANT
JAMESORANT@GMAIL.COM

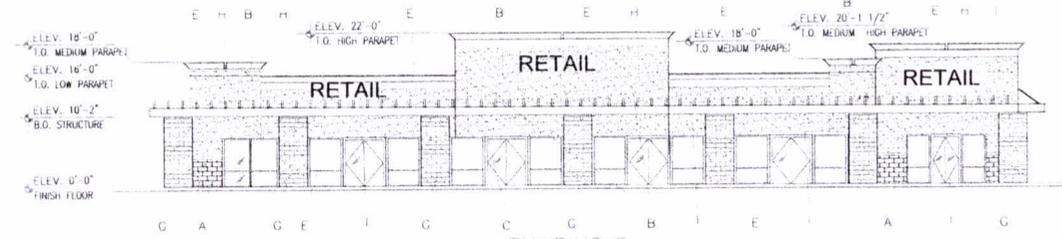
DESIGNER:
COOPER ARCHITECTURE AND DESIGN
16728 W. WILLOWBURY RD
SURPRISE, ARIZONA 85374
PHONE: (602) 690-7384
FAX: (602) 788-0000
CONTACT: TONY COOPER
Tcooper101@GMAIL.COM

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BLDG 3 SUITE 131
DURBERT, AZ 85233
PHONE: (480) 292-8870
FAX: (480) 234-7000
CONTACT: TANK WILLIAMS
Twilliams@twconstruction.com

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AND DESIGN
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(602) 788-0000
(602) 788-0000



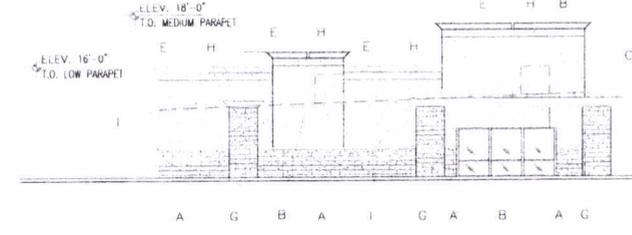
PROPOSED
REAR
VIEW SIGN
3915 WEST 4700 SOUTH



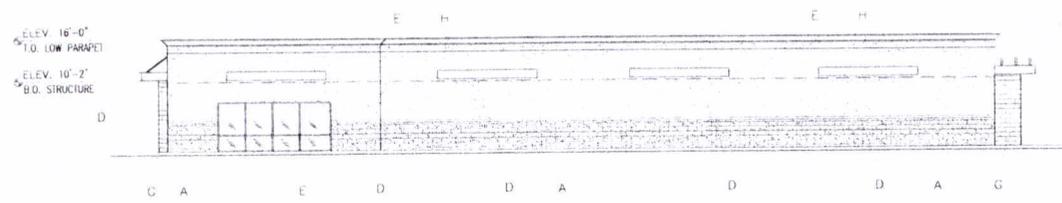
BUILDING F
SOUTH ELEVATION
SCALE: 1/8"=1'-0"



BUILDING F
WEST ELEVATION
SCALE: 1/8"=1'-0"



BUILDING F
EAST ELEVATION
SCALE: 1/8"=1'-0"



BUILDING F
SOUTH ELEVATION
SCALE: 1/8"=1'-0"

COLOR/MATR	LEGEND	PERCENTAGE USED
A	INTEGRAL COLORED SPLIT FACED CMU BLOCK	SUPER LITE BLOCK: HERRA BROWN 13%
B	WESTERN ONE COAT STUCCO	PITTSBURG PAINTS: PRARIE DUST 413-4 28%
C	WOOD TRELLIS	PITTSBURG PAINTS: MUDDY RIVER 314-7 7%
D	METAL CANOPY	PITTSBURG PAINTS: ADOBE WHITE 513-2 3%
E	FOAM CORNICE	PITTSBURG PAINTS: STONEY CREEK 414-5 5%
F	STORE FRONT WINDOW/DOORS	ELEV. 20'-1 1/2" T.O. MEDIUM HIGH PARAPET ANODIZED BROWN 13%
G	INTEGRAL COLORED SPLIT FACED CMU BLOCK	SUPER LITE BLOCK: CUCUMBER BROWN B.O. STRUCTURE 11%
H	12" PAINTED BAND	PITTSBURG PAINTS: ADOBE WHITE 513-2
I	WESTERN ONE COAT STUCCO	PITTSBURG PAINTS: STONEY CREEK 414-5 20%

TAYLORSVILLE
MIXED USE DEVELOPMENT
3915 WEST 4700 SOUTH
TAYLORSVILLE, UT

PROJECT NUMBER: 133
DRAWN BY: TC
CHECKED BY: TC
DATE: 4-21-10

FILE
A-503

TAYLORSVILLE MIXED USE DEVELOPMENT 3915 WEST 4700 SOUTH TAYLORSVILLE, UTAH

PROJECT - TEAM

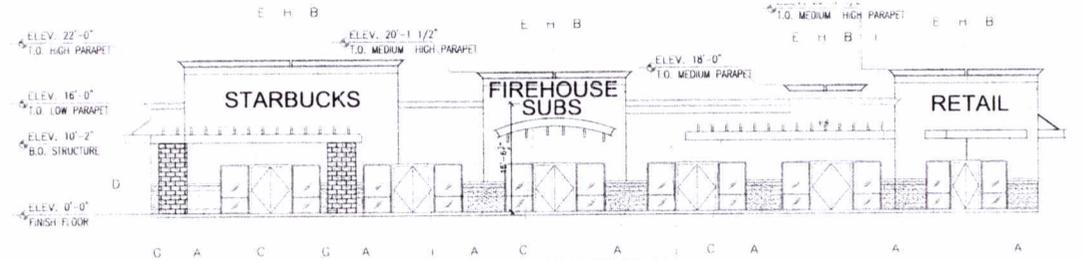
DEVELOPER
HYBRID DEVELOPMENT LLC
590 HIGHLAND DRIVE
SUITE 100
SOLANA BEACH, CA
PHONE (402) 778-7145
FAX (402) 888-8888
CONTACT: JAMES GRANT
JGRANT@HDBUILDINGS.COM

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COOPER ARCHITECTURE AND DESIGN
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SUNPRIDE, ARIZONA 85374
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FAX (602) 730-0088
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TCooper101@GMAIL.COM

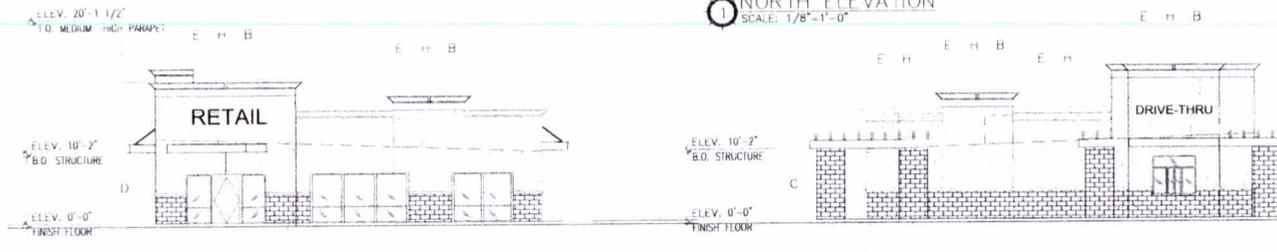
CONTRACTOR
D.W. CONSTRUCTION
219 S. WILLIAM DILLARD DR.
BEGG 3 SUITE 131
OLDSBURT, AZ 85233
PHONE (480) 292-0870
FAX (480) 824-7025
CONTACT: TARK WILLIAMS
TWILLIAMS@DWCONSTRUCTION.COM



PERMITS
PARK 1.0
MIXED USE
3915 WEST 4700 SOUTH

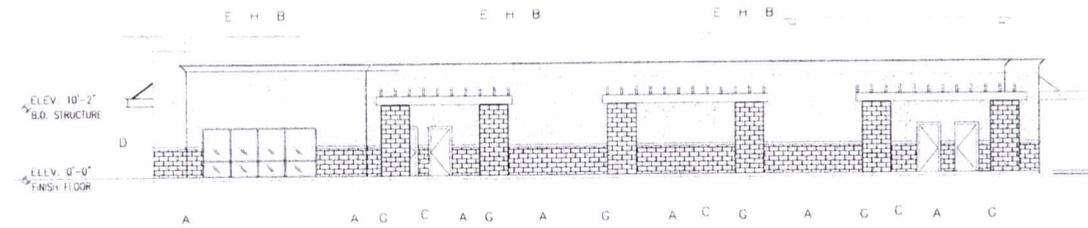


1 BUILDING E
NORTH ELEVATION
SCALE: 1/8"=1'-0"



2 BUILDING E
WEST ELEVATION
SCALE: 1/8"=1'-0"

3 BUILDING E
EAST ELEVATION
SCALE: 1/8"=1'-0"



4 BUILDING E
SOUTH ELEVATION
SCALE: 1/8"=1'-0"

COLOR/MATR	LEGEND	PERCENTAGE USED
A	INTEGRAL COLORED SPLIT FACED CMU BLOCK	SUPER LITE BLOCK: TERRA BROWN 14%
B	WESTERN ONE COAT STUCCO	PITTSBURG PAINTS: PRARIE DUST 413-4 25%
C	WOOD TRELLIS	PITTSBURG PAINTS: MUDDY RIVER 314-7 9%
D	METAL CANOPY	PITTSBURG PAINTS: ADOBE WHITE 513-2 4%
E	FOAM CORNICE	PITTSBURG PAINTS: STONEY CREEK 414-5 6%
F	STORE FRONT WINDOW/DOORS	ANGDIZED BROWN 12%
G	INTEGRAL COLORED SPLIT FACED CMU BLOCK	SUPER LITE BLOCK: COCOA BROWN 11%
H	12" PAINTED BAND	PITTSBURG PAINTS: ADOBE WHITE 513-2 5%
I	WESTERN ONE COAT STUCCO	PITTSBURG PAINTS: STONEY CREEK 414-5 19%

TAYLORSVILLE
MIXED USE DEVELOPMENT
3915 WEST 4700 SOUTH
TAYLORSVILLE, UT

PROJECT NUMBER	150
DRAWN BY	TC
CHECKED BY	TC
DATE	4-23-15

A-502

ZONE CHANGE

8. **9Z15 Recommendation to the City Council for a Zone Change from RC (Regional Commercial) to CC (Community Commercial). Cooper Architects and Design – 3915 W 4700 S. (Michael Meldrum/Principal Planner) 8:37:08 PM**

8.1 **Mr. McGrath** presented this item. He advised that Mr. Tony Cooper is the architect and Jim Grant is actually the applicant. The applicant is asking to amend the zoning map from RC (Regional Commercial) to CC (Community Commercial) to facilitate the conversion of the existing structure to an indoor self-storage business. **Mr. McGrath** displayed images of what is being proposed by the applicant, including the self storage in the existing building along with the newly proposed pads. The property was most recently home to the R.C. Willey Furniture Store, and with the exception of two pad sites, the subject property is currently vacant. The applicant has submitted a concept plan for future development on the property that includes three new pad sites for restaurants and other retail uses, along with approximately 20,000 square feet of retail space within the former R.C. Willey building. The remainder of the building is proposed to become a climate controlled self-storage facility. The applicant is seeking a zone change from RC zoning to CC. The property contains 10.42 acres. The property is currently designated as Community Commercial on the General Plan Land Use Map, which is consistent with the applicant's request. The General Plan is used as a guiding document that provides vision and articulation to the City's future based on a shared vision of the community. Staff has conducted a preliminary parking count on the property based on the submitted conceptual plan. Section 13.24.080 of the Taylorsville Land Development Code specifies that for commercial retail sales uses, the required parking ratio is 5 spaces per 1,000 square feet of floor area; for sit-down restaurants the required ratio is 10 spaces per 1,000 square feet of floor area; for drive-thru and fast food restaurants the required ratio is 10 spaces per 1,000 square foot of floor area (required parking spaces do not include spaces required in drive-thru lanes); and for storage the required ratio is 1 space per 1,000 square feet of floor area. The applicant has shown 191 parking stalls. Based on the ratios required by ordinance, the minimum number of parking spaces that would be required is 329. Based on these numbers, the proposed concept plan does not work on the subject property.

The current situation is that given the fact that the Regional Commercial designation was designed to generate tax dollars for the City, inside storage is not a land use that is currently permitted in the Regional Commercial zoning classification. The Community Commercial classification does allow personal storage. That is the impetus for this request.

8.2 **Findings of Fact:**

- 8.2.1 The subject property contains 10.42 acres.
- 8.2.2 The General Plan designation is Community Commercial.
- 8.2.3 The property is currently zoned RC (Regional Commercial).
- 8.2.4 The property was previously occupied by R.C. Willey Furniture Store.
- 8.2.5 The applicant proposes the future use of the property to be climate controlled self-storage with three new pad sites.
- 8.2.6 The proposed uses do not comply with the requirements of the parking ordinance.

8.3 **Staff Recommendation:** In staff's evaluation, the applicant has not sufficiently demonstrated that the proposed zone change promotes economic sustainability and, therefore, recommends that the application should be continued to allow the applicant to further demonstrate the proposal is in the City's best economic interest or a negative recommendation be forwarded to the City Council.

8.4 **DISCUSSION: Commissioner Jensen 8:42:15 PM** asked if they were to take out the parking requirement for the storage space, would it then meet the parking requirements for the remainder of the site. **Mr. McGrath**

advised that right now the existing Code requires 1 parking stall per 1,000 square feet of storage, so they would need somewhere in the neighborhood of 75 parking stalls just for the storage. His opinion was that was probably more than will ever be needed, so that it probably would be worth reevaluating the parking requirements. However, as it stands, even with reducing the amount of parking needed for the storage space, it would still be about 50 parking spaces short. 8:44:04 PM

8.5 **APPLICANT ADDRESS** Jim Grant advised this will be a Class A storage facility that will look like a very nice retail application. He did not feel that much parking would be needed for the public storage portion. He also commented that this is part of the gateway to the City and their proposed changes will definitely enhance it. Commissioner Kehl wanted to know the approximate size of the individual storage units and Mr. Grant explained the different sizes to be used and also about the security alarm system to be installed. That all loading and unloading will be accomplished via the rear of the building. 8:47:58 PM Applicant #2 (not further identified) added that some of the tenants require a certain constant temperature to maintain their products. He also added that if there is additional parking required, it would be needed only for the new retail pads and not for the storage portion. He then went on to give a Power Point presentation showing what the building would look like, which will involve a complete change to the façade of the building. Mr. Grant allowed that he felt that less parking would be required because more and more people are doing their ordering strictly on line. Both applicants advised that they are very willing to work with the Staff and Planning Commission to make this work. 9:10:59 PM

8.6 **SPEAKING:** Commissioner Grossman opened the public hearing

8.7 As no one else asked to speak in favor or opposition to this application, Commissioner Grossman closed the public hearing and opened it up to the Commission for discussion or a motion.

8.8 **DISCUSSION:** Commissioner Kehl said that he did not support changing the zoning ordinance just because it has been requested. He said that the applicant made some valid points about the use of the property and he would be interested in seeing more information relative to what the street scape would be and how they would handle the parking issues. But to just change the zoning and hope things happen would not be prudent to the citizens of the City. That the applicant should display to the Staff what the real need is for this sort of facility. He wanted to know how many facilities of this type the applicants have done and were informed they have done about 30. Mr. Grant added that they would like to receive a better understanding of what Staff and the Planning Commission want so they can reevaluate their request to make it more viable. Commissioner Kehl asked if they have enough information from their other stores to accurately project what is reasonable for the parking that would be required for the storage areas. They assured him they could do so.

8.9 **MOTION #1:** Commissioner Kehl - I make a motion that we continue File 9Z15, awaiting additional information through working through the Staff for further evaluation and see if there is a real reason for us to down zone this property.

SECOND: Commissioner Fink

Commissioner Barbieri - I would like some information about how many storage units are already available in Taylorsville. I know that they are not the high end enclosed ones but it does seem like we have a lot of storage units available within this area. I would like to find out if they are being fully utilized at this time. I don't have a problem with the rezoning of this, I think this could be quite a commercial area for Taylorsville. I am concerned about the parking because we do want it to grow and we are going to be limited as far as what commercial businesses we can put there if we don't have any parking. I am concerned about that. Again, I would be willing to hear more on that. I do like the multi-level storage. I have seen them around town and find them attractive. They don't look like storage units. I would like to continue this and have another discussion. Commissioner Jensen - This is for a recommendation for zoning change only. It is only a recommendation, only for the zone change. The site plan will come before us later. 9:17:02 PM I don't see a reason to continue it since it is just a recommendation. Commissioner Quigley - At what point do we have the cart and the horse though. Why do a zoning change when we don't know what we are changing the zoning for. We need to be able to feel more comfortable about making a zoning change. 9:17:35 PM It seems like the applicant is willing to get us more information. I feel like this is a significant property at a great location. I personally like the applicant's idea for the use but we need some justification because of the limited tax based properties that we do have available in Taylorsville. We are running out of retail opportunities. We are a very densely residential area. We have a duty to the public to make sure that whatever we approve is for the highest and best use of that land. I would feel more comfortable making a recommendation to the City Council for a zoning change if I had better information as to what they are planning on doing. Commissioner Kehl - I think at a certain point, as with the rezone we just

discussed involving a specific site, that if it doesn't happen it could be returned back to its present zoning. The ordinance states that. Mr. Spung - It says in the Code that if it is not built in a year it is just specific to the SSD District; so to rezone this property to Community Commercial would essentially just entitle that piece of property to whatever the current ordinance has for the Community Commercial. So any land use that is permitted there could be built according to the standards that the City currently has. So it would not be specific for this project. Commissioner Kehl - Would it serve the same purpose? One is site specific but the other one isn't but after a year passed would it go back to the other zoning? Mr. McGrath - No, the year standard is for the Conditional Use Permit, not the zoning. The zoning is forever. Commissioner Kehl - Anyway that is my motion. 9:19:00 PM. Commissioner Grossman - So we have a motion for continuing this until August. Commissioner Quigley - I will second that.

8.8 **DISCUSSION:**

- 8.8.1 Commissioner Jensen expressed concern because there are commitments from five different businesses. We have this gentleman here, True Value Hardware, Popeye's Chicken, Starbucks, Valvoline; all of which are good, viable businesses wanting to come in. This is just a recommendation. I think they can get their act together by the time they get to the City Council. Mr. Grant - I know the concern is that we will not go forward with the project but all of our letters of intent are predicated that we get the rezoning and allow them to come in. These are hard offers that we have. As for the storage facility we know we still have to go through proper procedures. Our funding is in place and we are ready to go forward. With the pending Commission decision to go forward with the rezoning of the property, we are ready to go forward. As far as the R.C. Willey building going away, I will be honest with you in saying that it is a six million dollar purchase and no one is going to buy that building a tear it down. It has been vacant two years now and with the money that the present owners have, it could sit vacant for quite awhile 9:21:59 PM
- 8.8.2 Commissioner Kehl asked for clarification on the Letters of Intent (LOI's) for this. Scott Brady - 9:22:40 PM - (The broker who helped these applicants in purchasing this site). Obviously R.C. Willey owns the property and knew they were going to vacate over two years ago, so they started marketing it to other retailers and have been unsuccessful in finding replacement tenants and that is why they were willing to accept an offer for this self storage company, even knowing it would be an uphill battle getting the rezone approved. Back to the LOI - I represent Popeye's Chicken and have done all eight of their deals in Utah. This deal has been approved by their corporate real estate representative and is set to go upon approval of the rezoning.
- 8.8.3 Second Applicant - In your General Plan, the zoning designation in the future, which I believe the General Plan is forward-looking, shows the site going to Community Commercial. I do think that when the General Plan was written in 2006, it was a perceived knowledge that the retail corridors were shifting and there would need to be other ways of attracting money in retail business into the City of Taylorsville. We believe the self storage and hardware store and Popeyes will be so viable is because we do have that large R-2 zoning all around it.
- 8.8.4 Commissioner Barbieri - Let us bring it back here and cover the zoning issue. I think that is where we are right now and your property would be the next decision to make on that. The next Planning Commission meeting date is August 11, 2015.
- 8.8.5 Commissioner Kehl - Commissioner Jensen's concern is if they have legitimate buyers, so why mess around with them. He asked the applicant if they could have the things the Commission has requested by the August 11, 2015 meeting, to which they did not have a definitive answer.
- 8.8.6 Commissioner Barbieri - We need to separate this and concentrate on the zone change. Mr. McGrath how common is the RC zone? Mr. McGrath - I don't think we have changed anything from RC to anything else since I have been with the City. The Family Center, 4700 South and I-215 have portions designated as RC. So changing away from RC is certainly not common at all. Commissioner Barbieri asked if there were any advantage to having CC over RC. Mr. McGrath - We really try to tie the zoning classifications to the merits of the property. In the case of the R.C. Willey property, it was zoned Regional Commercial because it was a legitimate regional commercial draw. People were coming to R.C. Willey from all parts of the County. The same thing with the Family Center. We have people coming from all over the County to that site to shop. But if there is a piece of property that doesn't have potential for regional draw, for example 4800 South and Redwood Road, we would not zone that RC. Really what we are attempting to do is take full advantage of those properties that do have regional potential. If they don't, we need

to look at something else. Historically this site has had regional draw but that was largely driven by the tenant. Commissioner Barbieri wanted to know what would be lost by changing it from an RC. Mr. McGrath - What happens is if you go to Community Commercial, you are very likely going to end up with the climate controlled storage unit, which does not generate retail tax dollars. All sorts of things can be done in Community Commercial such as restaurants, offices, etc. It doesn't necessarily need to be storage units but in this particular case that is what is going to happen. If it is rezoned to Community Commercial, what was presented tonight or at least some form of it would in all likelihood be built.

8 8 7 Commercial Kehl - Then what is the answer to the question of whether there is an advantage or disadvantage to down zoning it now, given the situation we are in presently. Mr. McGrath - We are trying to find the best match of zoning classification at a property. The question is does this property still have regional potential. If it doesn't, we ought to make the change. 9:29:14 PM

8 9 Commissioner Grossman called for a vote on the motion by Commissioner Kehl to continue File 9Z15, awaiting additional information through working through the Staff for further evaluation and see if there is a real reason for us to down zone this property. Commissioner Quigley asked the applicant what impact deferring it to the August meeting would have on his development. Mr. Grant spoke off microphone and it was not audible. However, consensus was that it may have a negative impact.

VOTE: Roll call: Commissioner Fauschou - No; Commissioner Kehl - Yes; Commissioner Barbieri - Yes, Commissioner Fink - No, Commissioner Jensen - No, Commissioner Quigley - Yes. The vote resulted in a 3 to 3 tie. Tie breaker vote was cast by Chairman Grossman as No. Therefore, the Motion fails. A new motion is needed.

MOTION #2: Commissioner Jensen 9:31:40 PM I will make a motion to pass on a positive recommendation to the City Council for File #9Z15. Realizing that the site plan will come later.

SECOND: Commissioner Fink

Roll Call Vote: Commissioner Fauschou - Yes; Commissioner Kehl - No; Commissioner Barbieri - No; Commissioner Fink - Yes, Commissioner Jensen - Yes, Commissioner Quigley - No. Tie breaker vote was cast by Chairman Grossman as Yes. Motion passes.