



**MIDVALE**

In the Middle of Everything

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**Midvale City**  
**PLANNING AND ZONING COMMISSION**  
*Minutes*

**22nd Day of June, 2016**  
**Council Chambers**  
**7505 South Holden Street**  
**Midvale, Utah 84047**

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***COMMISSION CHAIR:***

Richard Judkins

***PLANNING AND ZONING***

***COMMISSION VICE CHAIR:***

Kass Wallin

***BOARD MEMBERS:***

Allen Litster  
Colleen Costello  
Shane Liedtke  
Don Slick (1<sup>st</sup> Alternate)  
Evan Hanson (2<sup>nd</sup> Alternate)

***STAFF:***

Lesley Burns, City Planner  
Matt Hilderman, Associate Planner  
Nicole Selman, CD Administrative Assistant  
Chris Butte, Economic Development Director  
Phil Hill, Assistant City Manager/Director, CD

**GENERAL SESSION**

Chairman Pro Tem Wallin called the Planning & Zoning Commission meeting to order at 7:10 p.m. The meeting began with the recitation of the Pledge of Allegiance. He informed the public there were agendas on the front table along with a sign-in sheet for them to sign. He explained how the meeting would proceed. First, the Planning Department would brief the Commission; then the applicant would speak to the Commission; after which, the floor would be open to the public for their brief statements and comments.

**ROLL CALL**

Mr. Hanson	Present
Mr. Slick	Present
Mr. Litster	Present
Mr. Wallin	Present
Mr. Judkins	Present
Mr. Liedtke	Present
Ms. Costello	Present

**PUBLIC HEARING**

**1. CUP-27-01-201-018; LOS PRIMOS MAX AUTO REPAIR; 275 WEST 8600 SOUTH #2; CONDITIONAL USE PERMIT FOR VEHICLE REPAIR USE; REGIONAL COMMERCIAL ZONE; LOS PRIMOS MAX REPAIR, LLC (APPLICANT)**

Mr. Hilderman presented that Jois Luis Topete, authorized agent representing the property owner, Pro-West Properties LLC, submitted a complete application, proposing to operate and manage a vehicle repair business in an existing office/warehouse space. The total acreage of this site is estimated at 1.89 acres and consists of four (4) commercial tenant structures and one (1) legal, nonconforming residential structure.

The applicant proposes to occupy one tenant structure, located adjacent to 8600 South. Approximately 4200 square feet of this structure is warehouse use and 252 square feet is office use. Fifteen (15) total parking stalls have been designated for this operation. The commercial operating hours are anticipated to be between the hours of 8:00 a.m. thru 7:00 p.m., Monday – Saturday. The applicant anticipates only one employee during the initial opening of the business.

The recommended amount of parking spaces for this proposed use is calculated to be one space per employee per shift plus 4 per service bay and 3 per 1,000 square feet of leasable floor office space. Based upon review of the submitted site plan, the amount of off-street parking required is five (5) for the auto repair use and one for the office use, requiring a minimum of six (6) parking stalls. Based upon the applicant’s submitted site plan, the required amount of off-street parking is sufficient and additional vehicles may be stored within the warehouse unit space.

The applicant has indicated that no further improvements are proposed such as; exterior facade lighting and outdoor parking lights. Since this proposed use is located on an existing developed parcel and the overall site or building mass size is not proposed to be altered, no further development standards or improvements are required.

This proposal is located within the Regional Commercial (RC) zone, which requires a Conditional Use Permit for vehicle repair. In order to approve a Conditional Use Permit,

the following applicable criteria must be satisfied:

1. The application complies with all applicable provisions of the zoning ordinance, state and federal law;
2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
3. The use is not detrimental to the public health, safety and welfare;
4. The use is consistent with the Midvale City General Plan, as amended;
5. Traffic conditions are not adversely effected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
6. Sufficient utility capacity;
7. Sufficient emergency vehicle access;
8. Location and design of off-street parking as well as compliance with off-street parking standards provided for in §17-7-13.7;
9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses; and
10. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses.

In reviewing this application and the above criteria, it appears this proposal will not be detrimental to the health, safety and welfare of people and businesses in the area. Based on review of the business licensing database, there are no current existing businesses operating at this location and similar vehicle-related uses have operated at this location, as well (Lake City Auto - 2009; Nautic Auto Plaza - 2010). All improvements exist, with sufficient utility capacity and emergency vehicle access. Staff does not anticipate any adverse impacts being created by this proposed use, provided the business is operated in accordance with this proposal. Through the Business License process, all Building and Fire Code requirements shall be taken care of.

#### **STAFF RECOMMENDATION:**

Based on the proposal's compliance with the Conditional Use Permit criteria and the above analysis, Staff would recommend that the Planning Commission approve the Conditional Use Permit for **Los Primos Max Auto Repair LLC**, to be located at **8600 South 275 West, Ste. 2**, with the following conditions:

1. All vehicles related to the business shall be parked in the stalls associated with the tenant space or inside the building. The associated parking stalls for customers and employees shall be striped to ensure vehicles are appropriately parked at all times.
2. All vehicle work shall be performed inside the shop area.
3. Any vehicles kept overnight shall be stored inside the warehouse shop area. Outdoor storage is prohibited.
4. Any vehicle sales are prohibited at this location.
5. The applicant shall comply with all requirements of the Building Official and Fire Marshal.

6. All requirements of the State regarding the storage and disposal of hazardous materials shall be satisfied at all time.
7. The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.
8. All signage shall comply with the sign requirements for the RC zone and sign permits obtained before such signage is installed.

Mr. Hilderman informed the Planning Commissioners the applicant for this item was unable to attend this meeting.

There were no questions for staff regarding this item.

Mr. Litster motioned to open the meeting to a Public Hearing. Ms. Costello seconded the motion. Motion carried.

There were no questions or comments from the public.

Mr. Liedtke motioned to close the Public Hearing. Ms. Costello seconded the motion. Motion carried.

Mr. Litster suggested the Planning Commission table this item to another meeting when the applicant can be in attendance.

There was no further discussion

**MOTION:**

Mr. Litster moved table this item. Mr. Wallin seconded the motion. A roll call vote was taken.

Mr. Litster	Yes
Ms. Costello	Yes
Mr. Wallin	Yes
Mr. Liedtke	Yes

Motion carried unanimously.

**2. CUP-21-36-477-020; PREMIERE AUTO SALES; 8538 SOUTH STATE STREET; CONDITIONAL USE PERMIT FOR VEHICLE SALES (MAJOR) USE; STATE STREET COMMERCIAL ZONE; MUHAMMAD IRFAN (APPLICANT)**

Mr. Hilderman presented that Muhammad Irfan, authorized agent representing the property owner, Muhammed A. Raja, submitted a complete application proposing to operate and manage a major vehicle sales business in an existing commercial structure. The applicant initially submitted an Administrative Conditional Use Permit (ACUP) application and was approved, by Staff on September, 2015, to operate a minor vehicle sales use at this same location. Since such time, the applicant has stated their business has grown thus requiring an expansion of their

operation. The total acreage of this site is estimated at 0.41 acres and consists of one additional commercial tenant identified as Big Star Pawn Shop LLC / Vapor Zone, established and operational since 11/2001.

The applicant proposes to occupy one office space, approximately 144 square feet, of the existing 4500 square foot structure and display a maximum of ten (10) vehicles at any one time. The commercial operating hours are proposed to be between 10:00 a.m. thru 7:00 p.m., Monday – Saturday and one employee will continue to operate this business. Thirteen (13) total parking stalls have been designated for this use and the applicant has stated no vehicle repair work or service work will be conducted at this location.

The recommended amount of parking spaces for this proposed use is calculated to be one space per vehicle for sale plus one space per 400 square feet of net leasable floor area. Based upon review of the submitted site plan, the minimum amount of required off-street parking spaces would be thirteen (13). Based upon the applicant's submitted site plan, the required amount of off-street parking is sufficient for this use and the existing pawn shop business will continue to utilize the existing front entrance parking spaces.

The applicant has indicated that no further improvements are proposed and since this proposed use is located on an existing developed parcel and the overall site or building mass size is not proposed to be altered, no further development standards or improvements are required.

This proposal is located within the State Street Commercial (SSC) zone, which requires a Conditional Use Permit for major vehicle sales. In order to approve a Conditional Use Permit, the following applicable criteria must be satisfied:

1. The application complies with all applicable provisions of the zoning ordinance, state and federal law;
2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
3. The use is not detrimental to the public health, safety and welfare;
4. The use is consistent with the Midvale City General Plan, as amended;
5. Traffic conditions are not adversely effected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
6. Sufficient utility capacity;
7. Sufficient emergency vehicle access;
8. Location and design of off-street parking as well as compliance with off-street parking standards provided for in §17-7-12.7;
9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses; and
10. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses.

In reviewing this application and the above criteria, it appears this proposal will not be detrimental to the health, safety and welfare of people and businesses in the area. Based on

review of the business licensing database, similar vehicle-related uses have operated at this location (South Towne Marine - 1999; J&J Auto – 1999; One Way Auto – 1999; Legacy Motor Coach – 1999; S&H Auto Sales – 2014; and Jan & Brothers Auto Sales – 2015). All improvements exist, with sufficient utility capacity and emergency vehicle access. Staff does not anticipate any adverse impacts being created by this proposed use, provided the business is operated in accordance with this proposal. Through the Business License process, all Building and Fire Code requirements shall be taken care of.

**STAFF RECOMMENDATION:**

Based on the proposal’s compliance with the Conditional Use Permit criteria and the above analysis, Staff would recommend that the Planning Commission approve the Conditional Use Permit for **Premiere Auto Sales, Inc.**, to be located at **8538 South State Street**, with the following conditions:

1. A maximum of ten (10) “for sale” vehicles may be displayed outside at this premise. These vehicles shall be fully operational.
2. All vehicles related to the business shall be parked in the stalls associated with the tenant space. The associated parking stalls for customers and employees shall be striped and include the vehicles sales business name/logo painted on the asphalt, to ensure vehicles are appropriately parked at all times.
3. With the exception of the displayed “for sale” vehicles, no additional outdoor storage shall be permitted.
4. Any vehicle repair and maintenance is prohibited at this location.
5. The applicant shall comply with all requirements of the Building Official and Fire Marshal.
6. The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.
7. All signage shall comply with the sign requirements for the SSC zone and sign permits obtained before such signage is installed.

Mr. Wallin asked why the second condition requires the parking stalls associated with the tenant space to be stamped or painted. This is not a condition he is familiar with.

Mr. Hilderman explained this type of condition is not typically a requirement that is proposed in a Conditional Use Permit for automotive uses. Since there are two uses being proposed on this property and the applicant has already been familiarized with this condition during the Administrative Conditional Use Permit process, it seemed prudent to continue this condition with this permit as a measure of thoroughness.

There we no further questions for Staff.

Shazia Arshad, 9514 South Shellywood Circle, South Jordan, stated she is present on behalf of the applicant. She explained business is growing and they simply need more space.

Mr. Judkins asked Ms. Arshad if she has read the conditions that Staff has recommended for this permit.

Ms. Arshad stated she has read, understands and agrees with the conditions recommended by Staff.

There were no further questions for the applicant.

Ms. Costello motioned to open the meeting to a Public Hearing. Mr. Wallin seconded the motion. Motion carried.

There were no questions or comments from the public.

Mr. Wallin moved to close the Public Hearing. Mr. Litster seconded the motion. Motion carried.

Mr. Liedtke commented it is exciting to see a business this new experiencing so much success in Midvale.

There were no further comments regarding this item.

**MOTION:**

Mr. Liedtke moved that, *“Based on the proposal’s compliance with the Conditional Use Permit criteria and the above analysis, I move to approve the Conditional Use Permit for Premiere Auto Sales, Inc., to be located at 8538 South State Street, with the following conditions:*

- 1. A maximum of ten (10) “for sale” vehicles may be displayed outside at this premise. These vehicles shall be fully operational.*
- 2. All vehicles related to the business shall be parked in the stalls associated with the tenant space. The associated parking stalls for customers and employees shall be striped and include the vehicles sales business name/logo painted on the asphalt, to ensure vehicles are appropriately parked at all times.*
- 3. With the exception of the displayed “for sale” vehicles, no additional outdoor storage shall be permitted.*
- 4. Any vehicle repair and maintenance is prohibited at this location.*
- 5. The applicant shall comply with all requirements of the Building Official and Fire Marshal.*
- 6. The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.*
- 7. All signage shall comply with the sign requirements for the SSC zone and sign permits obtained before such signage is installed.”*

Ms. Costello seconded the motion. A roll call vote was taken.

Mr. Liedtke    Yes  
Mr. Litster    Yes  
Ms. Costello   Yes  
Mr. Wallin     Yes

Motion carried unanimously.

**3. MPD/SUB-22-31-132-025/026; WHITE PINES PHASE VIII; 189-193 EAST 8000 SOUTH; MASTER PLANNED DEVELOPMENT AND PRELIMINARY SUBDIVISION PLAT FOR NINE UNIT TOWNHOME EXPANSION OF WHITE PINES DEVELOPMENT; MULTI FAMILY RESIDENTIAL (RM-12) ZONE; STEVE BRENDLE (APPLICANT)**

Ms. Burns presented that Steve Brendle is proposing to extend the White Pines Phase VI master planned development to include the two single family residential properties to the west at 189-193 East 8000 South. These two properties total approximately 0.66 acres. The development proposal includes demolishing the existing homes on the properties, extending the private road in White Pines Phase VI to access six new townhouse units, and constructing three additional townhouse units with frontage on 8000 South. The plan includes extending the pedestrian walkways through the expanded area and adding a common recreation amenity area. The townhouse units are similar to those in the existing White Pines development, i.e. two stories with two-car garages.

The two single family residential properties were recently rezoned from SF-1 with an Agricultural Overlay to RM-12. The applicant is proposing to utilize the master planned development (MPD) provision in order to allow some flexibility in the setback requirements of the RM-12 zone. In order to comply with the one acre minimum project size requirement for a master planned development, the proposed development is being considered an extension of the existing development, specifically White Pines Phase VI. Based on the overall project area (the existing area of Phase VI and the proposed area of Phase VIII), which is 3.14 acres in size, and the 12 units per acre allowed in the RM-12 zone, up to ten residential units may be allowed within the expanded project area; nine new units are being proposed. This proposal involves two requests. First, the applicant is requesting a MPD preliminary site plan approval for the expanded development area. Second, the applicant is requesting a subdivision plat approval. This plat would allow each unit to be individually owned, and the private road and common area to become part of the property owned and maintained by the White Pines Homeowners Association.

**Master Planned Development**

The applicant is utilizing the MPD provision in order to have some flexibility in the setback requirements of the RM-12 zone. In order to be granted the incentives of a MPD, the following requirements must be satisfied:

1. Improved, non-motorized vehicle trail linkages and access for general pedestrian use;
2. A minimum 15% of the land as improved, common open space to include such uses as mini parks, picnic areas, playgrounds, recreation areas and structures such as club houses, pavilions, swimming pools, etc.
3. A minimum 50% of the site shall be open space (excluding streets, parking, driveways, and steep slopes);

4. A minimum 60% of the front façade and 40% of the side facades shall be brick or an equivalent material;
5. A grant to the City of a permanent open space easement on and over all private open spaces to guarantee that the open space remains perpetually in recreational use, with the ownership and maintenance being the responsibility of the owners association; and
6. Adopted articles of association and by-laws of such association that are satisfactory to the City.

The proposed preliminary site plan for the expanded project area includes extensions of the existing sidewalks and trail from White Pines Phase VI. There is direct access from each of the new units to a sidewalk that then connects to the overall trail system and recreation amenities throughout the White Pines neighborhood.

The combined Phase VI and proposed Phase VIII area includes 68,741 square feet of landscape/open space. This slightly exceeds the 50% landscape open space requirement. The applicant has indicated that 20,012 square feet is improved common open space (recreation amenities). This is approximately 500 square feet under the required 15% improved common open space requirement. The applicant will need to clearly identify the areas being considered as common recreation amenity space, show how that space is useable for the residents, and provide area calculations to verify the amount of recreation amenity area complies with the ordinance. There may be additional areas that could count towards this requirement or some adjustments may need to be made to the plan. The new common recreation amenity area includes an open area with grass, trees and a gazebo. Details of the gazebo will need to be provided on the final site plan. The applicant is proposing, through a subdivision plat, to include all of the improved common open space (recreation amenity/trail areas) to be owned and maintained by the existing White Pines Homeowners Association. The applicant will expand the existing declaration of covenants, conditions and restrictions for the existing White Pines development to include Phase VIII. This declaration will provide for the homeowners association and a funding mechanism to maintain all the common areas, including the private road.

The applicant is proposing the new townhome units to have the same building elevations as the existing development. A typical elevation of a two unit structure has been submitted. The applicant will need to submit, as part of the final site plan, a three unit structure elevation showing the front façade complies with the 60% brick/rock requirement, as well as the exterior colors being earth tones.

The proposed units are two stories with basements and are approximately 23 feet in height measured from finished grade to the midpoint of the roof. The RM-12 zone allows a maximum building height of 35 feet measured from existing grade to the midpoint of the roof. Based on the grade conditions of the existing development and the new area to be developed, the new area's grade will need to be raised approximately 3-4 feet from existing towards the back of the property. Adding the additional grade height, the new townhouse units are still under the height limit of the RM-12 zone.

The proposed setbacks for the new units include 20 foot front yards (measured from the back of the sidewalk to the garage); 15 foot fenced rear yards (the three units at the north end of the property have 24.5 foot rear yards); 5 foot side yards on the west side; and 4 foot side yards on the east side (the distance between the existing and proposed structures is 12 feet). The RM-12 zone allows 20 foot front yard setbacks when at least 50% of the block is developed with this setback and requires 25 foot rear yards and 8 foot side yards. Under the MPD provision, the Planning Commission may allow reduced setbacks provided it finds the reduced setbacks are appropriate for the overall development, do not compromise Building Code requirements, and do not negatively impact adjacent development. The proposed setbacks do not conflict with any Building Code requirements, provided the portions of the structures less than 5 feet from a property line are constructed with the appropriate fire rating (this will be accomplished through the Building Permit review process). The proposed setbacks are similar to the existing White Pines development.

The proposed private road extension is within a 35-foot right-of-way as required by the City's private road standard. The applicant has proposed curb, gutter and 5 foot sidewalks on both sides. The City Engineer will determine if additional street lights are required as part of the cul-de-sac reconfiguration and road extension once a full utility plan is provided by the applicant.

The preliminary site plan generally addresses the landscaping requirements for a multi-family project as required in the RM-12 zone, with the exception of required street trees and having a minimum 25% of the plant materials an evergreen variety. Three deciduous street trees are required along both sides of the private road extension. Currently, the north side has one evergreen and one deciduous tree, and the south side has two evergreen trees. A landscape plan documentation package will need to be prepared as part of the final site plan. This package will need to include detailed information on plant material, sizes and irrigation, and comply with the City's general landscaping requirements. Staff would recommend the following changes to the landscape plan:

- Planter areas with a combination of deciduous and evergreen shrubs and perennials added between units and visible foundation areas.
- Eliminate all lawn areas that are less than five feet in width and replace with planter areas, specifically between driveways.

The existing 6 foot high solid vinyl around the White Pines development should be extended around the north and east side of the expanded area. This fence will need to end at the front setback line of the lot with frontage on 8000 South. The final site plan will need to clearly show fencing for each lot and not encroach into front yards or common areas.

Each new unit includes a two car garage with a 16 x 20 foot driveway. The applicant is proposing to add 4 guest parking stalls along the west side of Alpine Fir Cove, one guest stall adjacent to the driveway of Lot 809, and one guest stall parallel to the existing cul-de-sac between Lots 618 and 804. Existing sidewalks would be relocated around these new stalls. Currently, Phase VI has 3 guest parking stalls. With this proposal there would be 9 guest parking stalls for the 36 total units in Phases VI and VIII. Typically, one stall for every four units has been required for guest parking. The Planning Commission will need to determine if

the locations and configurations of the guest parking is appropriate for the two phases. It should also be noted that on street parking is allowed along 8000 South, provided this parking does not occur overnight during the winter months.

The Fire Marshal has reviewed and approved the plan subject to the fire hydrant at the end of the private road extension being relocated to a more accessible area. The City Engineer has reviewed the plan and does not have any development layout issues, however, detailed construction drawings will need to be reviewed and approved as part of the final site plan and subdivision plat. These plans will need to include a grading and drainage plan, private road improvements, utilities, storm water improvements, street lights, etc. Water for this project will be provided by Midvale City; sewer will be provided by Midvalley Improvement District. The applicant will need to obtain duty to serve letters from these entities prior to final site plan approval.

All MPD's must also comply with the general review criteria for a conditional use included in Section 17-7-1.11 A of the Zoning Ordinance. This includes ensuring that the proposal is compatible with and does not create negative impacts on the adjacent neighborhood. Issues that specifically need to be addressed and discussed by the Planning Commission include the following:

- The appropriateness of the reduced setbacks.
- The appropriateness of the proposed guest parking.
- Issues raised during the public hearing.

### **Preliminary Subdivision Plat**

The applicant is also requesting a recommendation on the preliminary subdivision plat, which corresponds to the development layout in the MPD site plan. The subdivision plat, once recorded, will allow the individual ownership of each structure and side and rear yard and an equal ownership interest in all of the common areas, including the road. These common areas will be owned and maintained by the White Pines Homeowners Association. The applicant will need to submit an amended declaration of covenants, conditions and restrictions showing the inclusion of Phase VIII into the existing White Pines Homeowners Association, along with a final subdivision plat for review and approval. The declaration will need to be recorded concurrently with the subdivision plat.

### **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission conducts a public hearing on this request, considers the public comments received, and discusses and considers the issues stated above. Provided the Planning Commission is comfortable with the applicant's proposal or by imposing additional changes, Staff would recommend approval of the White Pines Phase VIII Master Planned Development and preliminary subdivision plat with the conditions recommended below.

Mr. Hanson recalled that an issue regarding an irrigation ditch was brought to the attention of the

Planning Commission during a meeting prior to this. He asked if that issue had been resolved.

Ms. Burns explained the irrigation ditch located in the older phases has been piped. The irrigation ditch in this new phase will need to be continued and piped appropriately.

Stephen Brendle, 6832 South State Street, Midvale, stated he is the applicant for this item.

Mr. Judkins explained that during the Public Hearing to rezone this property a couple major concerns were brought to the attention of the Planning Commission. A good number of those comments of concern came from the residents who live in the first phase of this development. In their opinion, they were not given enough information regarding the plans and procedures for developing this property. He asked Mr. Brendle if he rectified these concerns by meeting with residents and the H.O.A. regarding the expansion of this subdivision.

Mr. Brendle explained the first step he took was to meet with the HOA Board. Each of the board members approved of this project. He moved forward and attended a Development Review Meeting with City Staff. During this meeting he was able to provide Staff with a preliminary design and receive input on changes that need to be made before submitting formal plans and applications. It was important to him to hear comments from Staff before informing residents about the possibility of this project. Once they received feedback from Staff and a rezone for the property was approved then this project seemed legitimate enough to start involving and educating the community about upcoming changes to their neighborhood. He hosted an event with residents where he provided them with information regarding what could be done with the property and what he would like to do with the property. One of the main comments of concern that was repeatedly brought to his attention is that the community does not want to see more parking in this development. They would really prefer there be more usable open space. They showed residents options for installing additional parking stalls and 93% of those residents were absolutely against those options.

Mr. Judkins asked if the additional parking spaces that Mr. Brendle proposed as an option are required by the zoning ordinance.

Mr. Brendle stated the additional parking spaces are not required.

Mr. Judkins stated that the information Mr. Brendle has provided is very contrary to the comments received during the Public Hearing for the rezone of this property.

Mr. Brendle explained that he has submitted documented polling results from the residents which illustrate what they want and don't want to see in their community.

Mr. Judkins commented that it is great to hear that the community is getting so involved in this process; however, it still seems odd that the poll results are so different from the Public Hearing comments. It is also a major concern that many home owners around Midvale City seem to think it is acceptable to use their one-car garage as storage and park their vehicles in places that are designated for guests. This has left quite a few communities without sufficient parking, and it is not something the Planning Commission would like to encourage.

Mr. Brendle replied these homes are very high-end homes. The residents have been informed that the CC&R's do not allow vehicles to consistently be parked in the driveway of a home and residents are prohibited from parking in guest parking.

Mr. Judkins added that Ms. Burns mentioned there being a lack of sufficient open space. He asked Mr. Brendle if he can explain how the recreational space was calculated.

Mr. Brendle stated he cannot provide that information, however, his Engineer is available to answer that question.

Jason Thompson, 7955 South 2325 East, South Weber, explained the calculation for the open space was measured by adding up the space between the three units on the south and the three units in the middle of this phase. He will need to revisit the plan in order to explore what he can do to get the additional 500 square feet that is required.

Mr. Judkins asked how they intend to make the change in grade between the two developments match up.

Mr. Thompson stated they will repeat what has been done throughout the existing development and use some retaining walls.

Mr. Wallin commented that he is unclear on what Mr. Brendle is suggesting on parking. He requested Mr. Brendle state his position on what should be done.

Mr. Brendle requested they remove the four additional stalls that were going to be located in Phase VI. The community is not in favor of those parking stalls. It does not make sense to add something that isn't required and is strongly opposed by the people who actually have to live with it. There would still be two new guest parking spaces in this new phase. He explained where those parking spaces would be located and how they would function.

Mr. Litster asked how the Board for the HOA is selected.

Mr. Brendle explained that the Board is made up of a group of individuals who are elected to their position.

There were no further questions for the applicant.

Ms. Costello moved to open the meeting to a Public Hearing. Mr. Liedtke seconded the motion. Motion carried.

Annette McMullin, 212 East White Spruce Cove, explained that the four parking spaces Mr. Brendle has suggested removing from the plan are located 10 feet from her front door. Her front yard is currently a beautiful open space. She very strongly objects to those four parking spaces being right in front of her home. Her patio and bedroom are located at the front of her home. Headlights will shine into her bedroom at night if someone wants to park there. Adding this

parking will only encourage people to misuse their garage. She bought a home in this neighborhood knowing that parking spaces are limited, however, she knew that wouldn't be an issue in her situation. She did her due diligence before she bought her home and she would not have made the purchase if she had known a parking lot would be installed 10 feet from her front door at a later time. She feels that if other people need more parking then this isn't the right community for them and they should probably consider moving somewhere else.

Mr. Litster asked Ms. McMullin if she knows how many of her neighbors rent the homes located close to her home.

Ms. McMullin replied that all of the neighbors she has spoken to own their home. There is only one person she knows who rents their home and their located on the street near 8000 South.

Edwin Lyons, 221 East White Spruce Cove, agreed with everything Ms. McMullin stated. He is also very opposed to the four additional parking spaces that have been proposed in Phase VI. He would like to see them be removed from consideration.

Mr. Judkins asked Mr. Lyons if he has seen or experienced any issues with parking.

Mr. Lyons replied there have been a few times that he has reported vehicles that are parked in the guest parking spaces when they shouldn't be. It has been the same tenant every single time. The HOA is generally quick to respond and take care of the issue. He would estimate that there would not be any parking issues at all if that one tenant didn't regularly abuse the guest parking spaces.

Mr. Liedtke asked if any members of the public were also present at the previous Public Hearing for this property. He is surprised at how the comments made by the public during this meeting are completely opposite of what was said during the last meeting.

Mr. Brendle stated it is important to note that those comments were made before he had engaged the community and explained to them what this project was going to be like. There were some members of the community who realized the cost of adding more parking spaces would be removing precious open space.

There were no further questions or comments from the public.

Mr. Liedtke moved to close the Public Hearing. Mr. Wallin seconded the motion. Motion carried.

The Planning Commissioners clarified what items they are considering for approval. They discussed the comments made by the public and decided to draft some findings that reflect those comments.

There was no further discussion regarding this item.

**MOTION:**

## Findings

Mr. Wallin moved that, *“Based on the impacts that would result from adding four new parking stalls along Alpine Fur Cove and the fact that it would not assist the current parking situation in the neighborhood, I move that we eliminate the addition of those four stalls along that road.”*

Ms. Costello seconded the motion. A roll call vote was taken.

Mr. Wallin     Yes  
Mr. Liedtke    Yes  
Mr. Litster     Abstain  
Ms. Costello    Yes

Motion carried unanimously.

Mr. Litster stated he abstained because he does not feel these findings are needed.

## Findings

Mr. Wallin motioned, *“I move that we make the following findings with respect to setbacks:*

- 1. The setbacks are appropriate based on the adjacent lots to the single family homes being further away than the existing units.*
- 2. The side yards will be greater than ten feet from the existing units.*
- 3. The reduced setback will only apply to yards that are adjacent to open space in this development.*
- 4. The findings that deal with parking are that the proposed parking will exceed the current common ratio that we use to calculate the amount of parking that should be required.*
- 5. The neighbors now support the addition of just two parking spaces instead of what was originally proposed.*

Ms. Liedtke seconded the motion. A roll call vote was taken.

Mr. Wallin     Yes  
Mr. Liedtke    Yes  
Mr. Litster     Yes  
Ms. Costello    Yes

Motion carried unanimously.

## Motion 1 - Master Planned Development

Ms. Costello moved that, *“Based on compliance with the Master Planned Development provision and conditional use criteria, and finding that the proposed reduced setbacks for the structures are appropriate for and compatible with the surrounding area, I move that we approve the expansion of the White Pines Master Planned Development with the Phase VIII preliminary site plan located at 189-193 East 8000 South with the following conditions:*

1. *The applicant shall clarify the locations and amount of the common recreation amenity areas to verify the required 15% requirement is being satisfied. Additional common recreation amenity area shall be added if needed.*
2. *The gazebo details shall be included on the final site plan.*
3. *The final site plan shall include building elevations for a three unit structure, illustrating compliance with the minimum 60% brick or brick equivalent material on the front façade and 40% on the side facades, as well as earth tone colors.*
4. *A landscape plan documentation package shall be prepared as part of the final site plan. This plan shall include all plant materials, sizes and irrigation. The plan shall also include the following changes:*
  - *Include three 2-inch caliper deciduous street trees along both sides of the private road extension.*
  - *Add a combination of deciduous and evergreen shrubs and perennials between units and visible foundation areas.*
  - *Eliminate all lawn areas that are less than five feet in width and replace with planter areas.*
  - *Ensure 25% of the trees and plant materials throughout the project area are an evergreen variety.*
5. *Extend the existing 6 foot high solid vinyl fencing around the White Pines development along the north and east side of the expanded area. This fence shall end at the front setback line of Lot 801.*
6. *All interior fencing shall be clearly shown on the final site plan. This fencing shall not encroach into front yards or common areas.*
7. *All requirements of the Fire Marshal and Building Official shall be satisfied.*
8. *Detailed construction drawings shall be reviewed and approved by the City Engineer as part of the final site plan. These plans shall include a grading and drainage plan, private road improvements, utilities, storm water improvements, street lights, etc.*
9. *The final site plan shall be prepared in accordance with Section 17-3-3 E of the Zoning Ordinance to be reviewed and approved by the City Engineer, Fire Marshal and City Planner.*
10. *The applicant shall obtain duty to serve letters for water and sewer prior to final site plan approval.”*

Ms. Wallin seconded the motion. A roll call vote was taken.

Mr. Litster     Yes  
 Ms. Costello   Yes  
 Mr. Wallin     Yes  
 Mr. Liedtke    Yes

Motion carried unanimously.

### **Motion 2 - Preliminary Subdivision Plat**

Mr. Liedtke moved that, *“Based on compliance with the subdivision requirements and*

*consistency with the master planned development site plan, I move that we forward a positive recommendation to the City Council to approve the preliminary subdivision plat for White Pines Phase VIII with the following conditions:*

- 1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.*
- 2. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the master planned development.*
- 3. The applicant shall expand the area covered by the existing declaration of covenants, conditions and restrictions for the White Pines development to include the Phase VIII area, ensuring this area becomes part of the existing homeowners association. This amended document shall be recorded concurrently with the subdivision plat.”*

Mr. Litster seconded the motion. A roll call vote was taken.

Ms. Costello Yes  
Mr. Wallin Yes  
Mr. Liedtke Yes  
Mr. Litster Yes

Motion carried unanimously.

#### **4. CONSIDERATION OF PROPOSED MIDVALE CITY GENERAL PLAN 2016; CITYWIDE; RECOMMENDATION TO CITY COUNCIL; LOGAN SIMPSON DESIGN INC. (CONSULTANT)**

Ms. Burns explained that the Planning Commission has participated in the General Plan development process beginning in the late Fall early Winter of 2014. There have been workshops and discussions, with the Planning Commission most recently receiving a revised draft of the Midvale General Plan document on June 10<sup>th</sup>. This document is the compilation of research, discussions and public comment to date.

Pursuant to Utah State Code Section 10-9a-404, notice has been provided for the Planning Commission to conduct a formal public hearing on the proposed Midvale City General Plan 2016 on June 22, 2016 at 7pm. Individuals who have participated in the plan development process were also notified of the public hearing, and were provided access to the draft document.

Consultants, Jim Carter and Krissy Gilmore, from Logan Simpson, will be ready to provide an overview of the proposed General Plan before the Planning Commission opens the meeting to public comment. Following the close of the public hearing, the Planning Commission can discuss the information and comments. The Planning Commission may request additional information or changes be made to the document for further review at a future meeting, or request additional time to consideration everything presented. The State Code requires that the Planning Commission makes a recommendation on the General Plan before the document can be considered for adoption by the City Council.

Following the open house and release of the first draft of the General Plan in March, some written comments were received by Staff and the consultants. These comments have been given to the Planning Commission and will be included in the record.

Krissy Gilmore and Jim Carter with Logan Simpson gave a presentation and led a discussion with the Planning Commissioners regarding the process that was taken before drafting this document and the purpose it serves. They took some time to review various typos and possible revisions rendered by the Commissioners.

Ms. Costello moved to open the meeting to a Public Hearing. Mr. Liedtke seconded the motion. Motion carried.

Marcus Kaller, 110 East 6790 South, stated he has been a resident of Midvale City for over 10 years. He took the time to read over this document and he also shared it with a couple of his colleagues. He is a member of the Salt Lake County Bicycle Advisory Committee which is working on implementing more bicycle infrastructure and active transportation throughout Salt Lake County. He has a lot of interest in seeing Midvale City actively encourage and incorporate the use of active transportation in the future. He would like something more concrete regarding this topic get included in the final draft of the General Plan.

Mr. Wallin asked Mr. Kaller if he had a chance to look at the proposed bike plan.

Mr. Kaller replied that he did read that section and he liked it for the most part; however, there are still some issues with barriers located at I-15 and 7200 South. It would be nice to see a sky-bridge extend over the freeway or maybe a cause-way under it. He understands that both of those options would be expensive; however, it would still be nice to see.

Mr. Judkins explained the General Plan is used as a guide when new development comes to Midvale City. As new projects are brought to the table, there will be changes that encourage more active transportation options as well as better pedestrian access.

Mr. Kaller commented that he would also like to see more involvement with other entities in order to stimulate and achieve to fruition active transport goals within the next 10 years. This means working with UTA and applying for grants.

Mr. Hilderman added that he is a member of the working group for the Active Transportation Implementation Plan with Salt Lake County. Midvale City was able to participate in applying for a transportation investment grant with the help of this group; however, funds that are awarded through this grant must be matched by the City. It is a long-term goal of the group to keep working with various cities within Salt Lake County in making sure there are more active transportation trails, and that all of the trails are aligned. Once the Active Transportation Implementation Plan is finalized, it is something that can be added to the Midvale City General Plan.

There were no further questions or comments from the public.

Mr. Wallin moved to close the Public Hearing. Mr. Liedtke seconded the motion. Motion carried.

The Commissioners discussed minor items of the General Plan where they would like to see some revisions. They expressed their appreciation for the amount of work that went into creating this document, and stated they are pleased with the overall results. They also raised some questions regarding a newly added section of the document that addresses the possibility of creating a Housing Department. Mr. Phil Hill, Assistant City Manager/CD Director, provided answers for some of those questions and offered details on what the objectives and purpose of a Housing Department might be, as well as how this department could be funded.

Mr. Wallin made a motion, *“I move that we table this item until the next meeting.”*

Ms. Costello seconded the motion. A roll call vote was taken.

Ms. Costello Yes  
Mr. Wallin Yes  
Mr. Liedtke Yes  
Mr. Litster Yes

Motion carried unanimously.

## **MINUTES**

### **5. REVIEW AND APPROVE MINUTES OF APRIL 27, 2016; MAY 11, 2016; MAY 25, 2016; AND JUNE 8, 2016**

Mr. Wallin moved to table the minutes of April 27, 2016; May 11, 2016; May 25, 2016; and June 8, 2016. Motion carried.

## **ADJOURN:**

Mr. Hanson moved to adjourn at 9:23PM



Nicole Selman  
DCD Administrative Assistant

**THE FOLLOWING ITEMS ARE BEING INCLUDED AS PART  
OF THE OFFICIAL RECORD FOR ITEM #4:**

**CONSIDERATION OF PROPOSED MIDVALE CITY GENERAL PLAN 2016;  
CITYWIDE; RECOMMENDATION TO CITY COUNCIL; LOGAN SIMPSON  
DESIGN INC. (CONSULTANT)**

7505 South Holden Street  
Midvale, Utah 84047  
801.567.7214  
801.567.0518 (fax)  
TTY 711



Please consider the environment before printing this e-mail

**From:** Rachel Wolthuis [<mailto:rachelwolthuis@gmail.com>]  
**Sent:** Tuesday, March 15, 2016 5:04 PM  
**To:** Phillip Hill  
**Subject:** Fwd: Midvale General Plan Open House

Phillip,

I just saw your name on [planmidvale.com](http://planmidvale.com) and wanted to forward you my feedback below in case it didn't reach the right person.

Thanks,  
Rachel

----- Forwarded message -----

From: Rachel Wolthuis <[rachelwolthuis@gmail.com](mailto:rachelwolthuis@gmail.com)>  
Date: Tue, Mar 15, 2016 at 4:58 PM  
Subject: Re: Midvale General Plan Open House  
To: <[KGilmore@logansimpson.com](mailto:KGilmore@logansimpson.com)>

I came down with a really bad cold and won't be able to make it to tonight's meeting but I reviewed the document and have a couple of questions and some feedback.

1. The Bingham Junction Park is listed under existing parks on page 36 but none of that is there. When will that come? Also, the plan should read "the northwest corner of the Bingham Junction neighborhood" and not northeast.
2. I didn't notice a plan to connect the paths in Bingham Junction Park and the Jordan River Trail on the other side of the river. It's so close right now, just a bridge needs to be built. Is that in the works? I know it connects on the south side of 72nd but that requires crossing 72nd which is scary and I wouldn't recommend it to pedestrians.
3. Please DO NOT put the Midvale City logo on the street in downtown Midvale. Or anywhere. Ever. **It's tacky**. I could understand a sign on the street corner on city boundaries, but that's it.
4. I would LOVE to see Tuscany View Road and 700 West connect. (page 44). Additionally, it would be nice to have Main Street and 700 West connect in a smoother fashion. It can get kinda messy there.
5. I think the biggest change that can affect Main Street is not just trees and other finishes but that quality of the stores allowed in that location. Additionally, exterior restrictions on material and color and maintenance requirements would make a big difference.

6. I'm really happy to see all the changes for bike paths/lanes, the street car, and the changes coming to 72nd south/I-15. Thank you!

Rachel Wolthuis

On Tue, Mar 15, 2016 at 11:16 AM Krissy Gilmore <[KGilmore@logansimpson.com](mailto:KGilmore@logansimpson.com)> wrote:

Hello Midvale Stakeholders and Residents,

The Draft Midvale General Plan is now available at [www.PlanMidvale.com](http://www.PlanMidvale.com) or at this direct link: <http://planmidvale.com/wp-content/uploads/2014/12/Draft-2016-Midvale-General-Plan-1.pdf>.

We hope to see you tonight at the Draft Plan Open House (details below). No need to have read the plan before tonight-- you will have until April 4<sup>th</sup> to thoroughly review and provide comments. Come learn about the development of the Plan, see what goals are outlined, and ask questions to the planning team.

Thank you!

**Lesley Burns, AICP**  
City Planner  
Midvale City, Utah  
7505 South Holden Street  
Midvale, Utah 84047  
801.567.7229  
Krissy

Krissy Gilmore  
Logan Simpson  
P (801) 364-0525  
[KGilmore@logansimpson.com](mailto:KGilmore@logansimpson.com)  
[www.logansimpson.com](http://www.logansimpson.com)

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**From:** Krissy Gilmore  
**Sent:** Tuesday, February 23, 2016 11:34 AM  
**Subject:** Midvale General Plan Open House -- Save the Date!

Hello Midvale City Stakeholders and Residents,

Please join us at an open house to introduce the Draft Midvale City General Plan. Drop in any time during this casual meeting to learn how Midvale City used the public's feedback to create this Plan. Discuss your questions with the planning team and offer your opinions about planning Midvale's future.

**Draft Plan Open House**

**March 15, 2016**

**5:00 – 7:30**

**Midvale City Hall, Alexander Dahl Conference Room**

**From:** [Krissy Gilmore](#)  
**To:** [Phillip Hill](#); [Lesley Burns](#); [Jim Carter](#)  
**Subject:** FW: Midvale General Plan  
**Date:** Monday, March 21, 2016 3:36:16 PM

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FYI

Krissy Gilmore  
Logan Simpson  
P (801) 364-0525  
[KGilmore@logansimpson.com](mailto:KGilmore@logansimpson.com)  
[www.logansimpson.com](http://www.logansimpson.com)

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**From:** WordPress [mailto:carebearo4@hotmail.com]  
**Sent:** Monday, March 21, 2016 3:29 PM  
**To:** Krissy Gilmore  
**Subject:** Midvale General Plan

Name Caroline Wallin  
Email [carebearo4@hotmail.com](mailto:carebearo4@hotmail.com)  
Subject Midvale General Plan

Message

I enjoyed your open house showing the general plan for Midvale. I appreciated the condensed verse you had compared to the daunting book I found online. I support the 7200 Gateway idea to expand capacity with cooperation with UDOT. I think with the added businesses coming to this area it will be necessary. It's great foresight to see this need. I also really liked the idea to increase bike lanes throughout Midvale. I was told this would be a low priority as money has to be allocated to move power lines under ground which can be hard which was a little disappointing. I know my family bikes and having lanes for safety is important to us. I would make a suggestion to not have a lane on the busy 7200 South. I try to avoid major streets because bike accidents are all too common. It might also be advantageous to have bikes lines connecting trax stations to paths as a lot of commuters use trax to ease the commute. I also noticed there was a section that mentioned maintain and improve Midvale's Urban Forest. I am not sure what the meaning is here, but I noticed a few other places in the plan to add trees and vegetation. I am in support of beautifying the communities, I would just ask you keep in mind we live in a desert. I know most people only think green grass is pretty vegetation, however I think adding native plants and trees and rock that is water wise would not only help with the states water issues but also would show how xeriscape is a smart choice for our communities moving forward compared to grass. I thought the over all plan was right on track. I noticed a section was about getting experiences in Midvale such as Top Golf. I think that is great. Most shopping centers have all the same restaurants and retail, so bringing unique stores in that aren't in neighboring cities I think greatly enhances Midvale. I think the improvements already made

are showing the progress of this vision. I am excited for the continued improvements. Thanks for the time put in for the plan and also for the open house. It was very helpful and informative.

Site

<http://planmidvale.com>

Sent from (ip address): 97.117.6.163 ( 97-117-6-163.slkc.qwest.net )

Date/Time: March 21, 2016 9:28 pm

Sent from (referer): <http://planmidvale.com/comment/>

Using (user agent): Mozilla/5.0 (Windows NT 6.1; WOW64; rv:44.0)  
Gecko/20100101 Firefox/44.0

**From:** [Walker, Wade K.](#)  
**To:** [Lesley Burns](#)  
**Cc:** [Suzanne Walker](#); [Kane Loader](#); [Phillip Hill](#); [Lisa Garner](#); [Garrett Wilcox](#)  
**Subject:** RE: Midvale City - Auto Title Lending Question  
**Date:** Wednesday, May 18, 2016 5:38:44 PM

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Lesley,

Thanks for the information. To avoid becoming like other areas of the valley and to try to shed our “ghetto” image, I’d like to recommend that we limit the number of these other businesses, like auto title lenders and pawn shops, in the same manner that we’ve limited check cashing/payday lenders. These types of businesses, especially when they’re located along major thoroughfares in our city (like State Street), just contribute to that general stereotype of Midvale as a ghetto community. With all of the business growth on the west side of our city, we’re at a tipping point and have the tremendous opportunity to change the entire view of our city with a few judicious actions in the planning and zoning area.

I also mentioned it to you at the Open House on the City Plan, but I strongly feel that Midvale needs more open area, usable green space to make it an attractive residential destination. I’d encourage the city to exercise its purchase option on the land south of 7800 South and develop that area into a massive green space (like out at Daybreak) that would allow the thousands of people who have moved into the apartments, condos, and townhomes in the Bingham Junction area to have a great area to exercise, play, and enjoy nature. If we did that, some of these new people would begin to view Midvale as their home and would stay here instead of moving as soon as they get the opportunity. I realize that what I’m suggesting is much easier said than done, but I think now is the time to grasp the vision of just great we can make that area as an expansive green space.

Thanks,

*Wade Walker*

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**From:** Lesley Burns [mailto:lburns@midvale.com]  
**Sent:** Wednesday, May 18, 2016 5:13 PM  
**To:** Walker, Wade K.  
**Cc:** Suzanne Walker; Kane Loader; Phillip Hill; Lisa Garner; Garrett Wilcox  
**Subject:** RE: Midvale City - Auto Title Lending Question

Wade,

Midvale limits check cashing/deferred deposit loan business based on the population of the City. One check cashing/deferred deposit loan business is allowed for every 10,000 citizens. Pawn shops are limited to the Regional Commercial and Clean Industrial zone districts. The City does not have limitations on auto title loan businesses beyond requiring they be located in a zone allowing commercial uses.

**Lesley Burns, AICP**  
City Planner  
Midvale City, Utah