



MIDVALE

In the Middle of Everything

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Midvale City
PLANNING AND ZONING COMMISSION
Minutes

25th Day of January, 2017
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

COMMISSION CHAIR: Kass Wallin

***PLANNING AND ZONING
COMMISSION VICE CHAIR:*** Richard Judkins

BOARD MEMBERS: Allen Litster
Colleen Costello
Shane Liedtke
Evan Hanson (Alternate)

STAFF: Lesley Burns, City Planner
Matt Hilderman, Associate Planner
Nicole Selman, DCD Administrative Assistant

GENERAL SESSION

Chairman Wallin called the Planning & Zoning Commission meeting to order at 7:00 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. Liedtke	Present
Mr. Litster	Present
Mr. Judkins	Present
Mr. Wallin	Present
Ms. Costello	Excused

PUBLIC HEARING

1. ACUP-22-29-202-062; VERIZON WIRELESS ROOF-MOUNTED ANTENNA AND SCREENWALL; 7090 SOUTH UNION PARK AVENUE; CONDITIONAL USE PERMIT; REGIONAL COMMERCIAL ZONE; TECHNOLOGY ASSOCIATES/PETE SIMMONS (APPLICANT)

Mr. Hilderman presented that Technology Associates and Verizon Wireless are proposing to install two, rooftop antennas with up to 12 flush mounted, panel antennas on the NW corner and SE corner of the Union Woods office building (referred to as Sal Shadowridge) located at 7090 South Union Park Avenue. This telecommunication facility also includes the construction of two screening walls (350 sq. ft. x 8' high & 196 sq. ft. x 8' high) and a 12' x 18.66' equipment room within an existing penthouse feature. The purpose of this proposal is to alleviate the load of some existing facilities within the surrounding area, as well improve the Verizon Wireless network service.

This property is currently zoned Regional Commercial (RC) and a telecommunication facility requires approval of an Administrative Conditional Use Permit (ACUP) however; the applicant is proposing to construct two, new screening walls which requires review and approval from the Planning Commission. The existing antennas on the building complied with the roof mounted telecommunications facility requirements in the RC zone. The applicant has stated the number of wireless subscribers will grow as well as the data demand for years to come. Existing mobile carriers will continue to look for additional site locations and improve their existing facilities to service their providers and provide sufficient service for emergency responders.

The Regional Commercial zone allows a roof-mounted telecommunication facility to be installed on the host structure provided the facility and associated equipment can comply with specific criteria found in the Municipal Code. This criteria includes the following:

1. Roof-mounted antennas are allowed only on a flat roof and shall be screened, constructed and painted to match the structure to which they are attached.
2. Stealth facilities shall be designed to substantially conceal and camouflage the antennas and associated equipment.
3. Antennas shall be mounted at least five-feet (5') behind any parapet wall and the maximum height of an antenna mounted between five- and ten-feet (5' – 10') behind a parapet shall be directly proportional to the setback distance, and may not exceed a height of ten-feet (10') above the top of the parapet wall.

4. New screening walls shall be in harmony with the structure's mass, architectural features, and overall aesthetics.

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 Regional Commercial zone, which requires an Administrative Conditional Use Permit for a telecommunication facility use. In order to approve a Conditional Use Permit, the above roof-mounted antennas and 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. The proposed telecommunication facilities and screening walls have been incorporated into the overall site. The antennas are proposed to be installed ten-feet (10') behind the existing parapet wall, and with construction of an eight-foot (8') screening wall, each six-foot, four-inch (6'4") panel antenna shall be screened appropriately to substantially conceal. A photo simulation of the applicant's proposal has been submitted and provides evidence that the applicant has reviewed and addressed the overall aesthetics.

STAFF RECOMMENDATION:

Based on the proposal's compliance with the telecommunication facility requirements, the Conditional Use Permit criteria, and the above analysis, Staff would recommend that the Planning Commission approve the Conditional Use Permit for Technology Associates, to be located at 7090 South Fort Union Boulevard with the condition that before construction of the facility can commence, Verizon Wireless shall obtain a Building Permit from Midvale City.

Mr. Wallin asked if Staff has an opinion on whether or not the screening walls are in harmony with the aesthetics, scale and mass of the existing building.

Mr. Hilderman stated the screening walls substantiate the ordinance based on aesthetics, scale and mass.

Peter Simmons, 5710 South Green Street, Salt Lake City, stated he is the applicant for this item. He explained they are actually proposing two antenna sectors. One will be located on the north side of the roof and the other one will be located on the south side of the roof. One sector will have eight antennas and the second sector will have four antennas. Each sector will be setback 8 feet from the edge of the building. The screening walls will be constructed from a fiber glass material that can easily be molded to look like any shape or form they need. It will be blended to match the stucco texture and painted to match the building color.

Mr. Judkins asked if the material can be colorized rather than painted.

Mr. Simmons stated there currently is not an option for that material to be colorized.

Mr. Litster asked Mr. Simmons if he is aware of the development of a new multi-story building that will be located just to the west of this existing building. He asked if the development of that building will have any adverse effects on these antennas.

Mr. Simmons replied that Staff did inform him of that upcoming development however it is impossible to predict how the antennas will be effected until it is up.

There were no further questions for the applicant.

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

There were no questions or comments from the public.

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

Mr. Wallin commented that he feels the applicant has done an adequate job of screening the antenna. It provides a nice clean look that matches the rest of the building.

Mr. Judkins reiterated that his issue with this type of antenna screen has been the same since day one. Once there is one antenna in place then there is going to be an increased chance of more antennas going up. It his hope that the Commission and Staff will be cognizant of the visual aesthetics of the building when or if that happens.

Mr. Litster agreed with Mr. Judkins.

Mr. Judkins asked if it would be possible to require future applicants to make the stealth wall harmonious and continuous.

Ms. Burns stated that is an option that is within the authority of the Planning Commission.

MOTION:

Mr. Hanson moved that, *“Based on the proposal’s compliance with the telecommunication facility requirements, the Conditional Use Permit criteria, and the above analysis, I move that we approve the Conditional Use Permit for Technology Associates, to be located at 7090 South Union Park Avenue (originally read as Fort Union Boulevard), with the condition that before construction of the facility can commence, Verizon Wireless shall obtain a Building Permit from Midvale City.”*

Litster moved to amend the address in the motion from “Fort Union Boulevard” to “Union Park Avenue.” Mr. Hanson seconded the amendment to the motion. Motion carried.

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

Mr. Judkins Yes
Mr. Litster Yes
Mr. Hanson Yes
Mr. Liedtke Yes

Motion carried unanimously.

ACTION ITEM

2. SPR-22-30-152-011; GANESH RESTAURANT; 130 EAST FORT UNION BOULEVARD; REDUCTION OF RESIDENTIAL LANDSCAPE BUFFER; REGIONAL COMMERCIAL ZONE/7200 SOUTH OVERLAY; KIRBY KIRKMAN/HKG ARCHITECTURE (APPLICANT) (CONTINUED FROM 11-09-16)

An administrative site plan application for a proposed Indian cuisine restaurant was received on October 6, 2016 and has proposed to acquire three parcels of vacant property, approximately 0.998 acres, between 124 East – 136 East Fort Union Boulevard. This area is part of the Regional Commercial (RC) Zone and includes the 7200 South Overlay Zone. Typically, this would be an administrative site plan review handled by Staff; however, the applicant is requesting a reduction to the 30-foot wide residential landscape buffer required between this commercial use and the existing residential uses located directly south and east.

The Zoning Ordinance, specifically Section 17-7-12.6 (A) (8), allows the Planning Commission some discretion in the width of this landscaped buffer if landscaping is not practical and a six-foot high, completely sight-obscuring fence is utilized. The landscaped buffer is intended to provide adequate screening, buffering and separation to protect existing residential development from the impacts of new commercial development. There are four residential properties adjacent to this proposal. This proposal is similar to the wall and landscaping treatment being used along the existing parking lot boundary and associated restaurant property to the west.

On November 9, 2016, this item was reviewed and discussed among the Planning Commission were upon a motion was made to defer action on the amended site plan, pending additional

information from the applicant, specifically:

- An indication that the adjoining residents from the subject property are comfortable with the recommended efforts to mitigate the reduction of the landscaped buffer; and
- Allow additional time for the applicant to consider construction of an eight-foot (8') sight- obscuring fence (wall).

The applicant has submitted the following information for additional review and discussion:

- Documentation to the Planning Commission showing dates that a letter and plan was delivered to surrounding neighborhood
- Example of letter and site plan that was delivered
- Neighborhood response letter (one provided)
- Site Plan with amendment to dumpster location (based on neighbor response)

The applicant has submitted a revised site and landscaping plan requesting a twenty-foot (20') reduction along the east property line, making the landscaped buffer ten-feet (10') wide with an eight-foot high pre- cast concrete fence separating the two uses. The revised landscaping plan has been changed to include several large, Bosnian Pine trees, a row of Boxwood shrubs, and several deciduous trees. The applicant is also requesting between an eighteen-foot (18') to twenty-five foot (25') reduction along the south property line, making this landscaped buffer area between five-feet (5') to twelve-feet (12') in width with an eight-foot high pre-cast concrete fence and several varieties of deciduous trees and evergreen trees and shrubs. A copy of the proposed revised site and landscaping plans are attached.

STAFF RECOMMENDATION

Based on the reduced landscape buffer with the proposed eight-foot concrete fence and landscaping providing adequate screening, buffering and separation to protect the adjacent residential uses from the impacts of a commercial development, Staff recommends that the Planning Commission allows a reduction to the 30-foot residential landscape buffer requirement along the south and east property lines of the proposed restaurant use known as Ganesh Cuisine Restaurant at 130 East Fort Union Boulevard with the following conditions:

The landscape buffer shall be constructed as shown on the revised site plan and shall include the proposed trees, shrubs, and landscaping, as shown.

An eight-foot high pre-cast concrete fence shall be constructed along the south and east property boundary of the proposed area, as shown on the revised site plan, and shall comply with the fencing standards and requirements.

The proposed restaurant use site plan shall comply with all other applicable requirements of the Regional Commercial Zone and the 7200 South Overlay.

Kirby Kirkman with HKG Architecture, 4471 South Highland Drive, Salt Lake City, explained that after the previous Planning Commission meeting in November they revised their plan by

shifting everything 5 feet to the west. They also brought all other issues noted by staff into compliance. He hopes these changes are sufficient enough to receive approval for this request.

Mr. Wallin asked Mr. Kirkman if he has received any input from the neighboring property owners regarding this item.

Mr. Kirkman replied that they notified all of the surrounding property owners of this proposed request and they only received one comment. That comment was made only to question the possibility of ensuring the dumpster could be located farther away from their property. He has presented the Planning Commissioners with a new plan that shows the re-location of the dumpster however they can move the dumpster back to its original location if the Planning Commission is opposed to its new location.

Mr. Litster asked how far the dumpster is located from the property line in the original plan.

Mr. Kirkman stated the dumpster is about 25 feet from the property line in the original plan.

Mr. Wallin asked what material will be used to construct the 8 foot wall that will separate this property from the adjacent residential properties.

Mr. Kirkman replied that the wall will be constructed from a pre-cast concrete material that is similar to what is being used by the Bohemian Restaurant. It looks very similar to brick.

Mr. Litster related his personal opinion that the original location of the dumpster is more appropriate than the new location. The new location is going to emit an odor that will be unpleasant to visiting customers, anyone who drives by, and possibly even the patrons visiting The Bohemian.

Mr. Liedtke agreed with Mr. Litster and added that the new location of the dumpster will make it difficult for snow and garbage removal. The original location of the dumpster was more functional.

Mr. Kirkman stated he would prefer to leave dumpster in its original location as well.

Santosh Kusuma, stated he is one of the owners of this property. He thanked Midvale City Staff and the Planning Commissioners for their time and help on this project. His restaurant has been open in Midvale City for the past ten years. Even though they are expanding their business operations he would still like to remain within Midvale City. He reiterated that he sent two letters via mail to the surrounding property owners regarding this request and he only received one response.

There were no further questions for the applicant.

The Commissioners discussed the two possible dumpster locations presented by the applicant. They ultimately decided the applicant should work closely with Staff in deciding where the dumpster should be appropriately located.

MOTIONS:

Mr. Liedtke moved that, *“Based on the reduced landscape buffer with the proposed eight-foot concrete fence and landscaping providing adequate screening, buffering and separation to protect the adjacent residential uses from the impacts of a commercial development, I move that we allow a reduction to the 30-foot residential landscape buffer requirement along the south and east property lines of the proposed restaurant use known as Ganesh Cuisine Restaurant at 130 East Fort Union Boulevard with the following conditions:*

- 1. The landscape buffer shall be constructed as shown on the revised site plan and shall include the proposed trees, shrubs, and landscaping, as shown.*
- 2. An eight-foot high pre-cast concrete fence shall be constructed along the south and east property boundary of the proposed area, as shown on the revised site plan.*
- 3. The original proposed restaurant use site plan shall comply with all other applicable requirements of the Regional Commercial Zone and the 7200 South Overlay.”*

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

Mr. Judkins	No
Mr. Litster	Yes
Mr. Hanson	No
Mr. Liedtke	Yes
Mr. Wallin	Yes

Motion carried unanimously.

DISCUSSION

4. PROPOSED AMENDMENTS TO THE TRANSIT ORIENTED DEVELOPMENT ZONE DISTRICT, INCLUDING NEW OVERLAY FOR DEVELOPMENTS OVER 25 UNITS PER ACRE OR THREE STORIES IN HEIGHT (CONTINUED FROM 12-14-16)

From: Phillip Hill, Assistant City Manager/Director, CD
 CC:
 Date: 12/14/2016
 Re: TOD Zone Amendments

Below is a synopsis of the proposed changes to the TOD zone and the effects of those changes. A copy of the amended ordinance will be handed out during the meeting.

CURRENT ZONE: The current zone is the Transit Oriented Development Zone (TOD). This zone allows mixed-use developments with a Floor Area Ratio (FAR) of up to 3.0 (roughly 100 units per acre) and heights up to seven (7) stories. Uses allowed in this zone include single family residential, multi-family residential, commercial and office uses.

PROPOSED ZONING: The proposal before the Planning Commission and City Council would divide the TOD zone into two parts, the existing TOD zone and a TOD Overlay zone. The amendment to the existing TOD zone would allow up to 25 dwelling units per acre for residential projects and a maximum height of three (3) stories for all structures. The TOD Overlay zone would allow up to 85 dwelling units per acre for residential projects and a maximum height of seven (7) stories for all structures. There are no proposed changes to the allowed uses.

EFFECTS OF THIS AMENDMENT: Properties that have vested land use applications under the current TOD zoning will be allowed to move forward with the current standards. Vested projects and those already approved under the current TOD ordinance will have the zone applied which affords the property a “legal, conforming” status. All other parcels will be zoned TOD, and will require review by the Planning Commission and approval by the City Council to rezone to the TOD Overlay.

Mr. Hill continued the discussion from December 14, 2016 with the Planning Commissioners regarding some proposed changes to the TOD Zone. The purpose of this discussion was to review input received from the Planning Commissioners with respect to their concerns or possible suggestions for revision to the TOD Zone Ordinance. The Planning Commission requested that Staff look at ways and specific areas where higher density development can occur without the need to rezone on a case by case basis.

MINUTES

3. REVIEW AND APPROVE MINUTES OF REVIEW AND APPROVE MINUTES OF OCTOBER 12, 2016 AND DECEMBER 14, 2016

The minutes of October 12, 2016 were tabled to the next meeting.

Mr. Litster move to approve the minutes of December 14, 2016 with amendments. Mr. Judkins seconded the motion. Motion carried.

ADJOURN:

Mr. Judkins moved to adjourn at 8:35PM.



Nicole Selman
CD Administrative Assistant