



MIDVALE

In the Middle of Everything

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Midvale City
PLANNING AND ZONING COMMISSION
Minutes

10th Day of May, 2017
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

COMMISSION CHAIR: Kass Wallin

***PLANNING AND ZONING
COMMISSION VICE CHAIR:*** Shane Liedtke

BOARD MEMBERS
Colleen Costello
Richard Judkins
Evan Hanson

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
Ms. Costello	Present
Mr. Wallin	Present
Mr. Judkins	Present

PUBLIC HEARING

Mr. Wallin moved to discuss the second item on the agenda first in order to provide the applicant with more time to arrive to the meeting. Motion carried.

2. SUB-21-24-376-009; KEN LLOYD CONDOMINIUM PLAT; 6980 SOUTH 400 WEST; PRELIMINARY CONDOMINIUM PLAT APPROVAL FOR COMMERCIAL BUILDING; KENNETH LLOYD (APPLICANT)

Mr. Hilderman presented that the Ken Lloyd Condominium plat consists of two (2) proposed lots on a total of 1.00 acres for an existing commercial building located at 6980 South 400 West. County Assessor records identify this building being constructed in 1979 and consists of 27,600 sq. ft. of ground floor area. This structure has existing commercial businesses such as; Oviatt Cabinet & Millwork (milling), Telecommunication & Data Networks, Inc. (telecommunications), Discount Liner & Accessories (automotive parts), Zodi Outback Gear (sporting goods), Flood Pros LLC (commercial service), New Look Siding LLC (contractor), and Vertical Climb RC (manufacturing and sales). The applicant and owner, Kenneth G. Lloyd, is requesting subdivision approval to create a 2-lot condominium plat, allowing individual ownership of Unit 1 and individual ownership of Unit 2 and common ownership of the existing parking lot and associated infrastructure. In addition, this plat continues to recognize the public utility providers and easements for services. This area is subject to the requirements of the Clean Industrial zone district.

The proposed subdivision/condominium plat reflects individual ownership of Unit 1, addressed as 6950 South and individual ownership of Unit 2, addressed as 6980 South. Common ownership will consist of the land the buildings are located on and the parking areas to the front of each building, including the retaining wall providing separation. The applicant has also provided information that the property taxes and some utilities will be shared amongst both property owners, with some additional expenses left to the individual owner(s) of each unit.

The proposed subdivision plat has been reviewed and approved by the City Engineer and Fire Marshall. All utility companies will need to be notified regarding utility easements and notes on the subdivision plat. For a subdivision/condominium plat approval, this request complies with the City's subdivision requirements and final approval will require compliance with the conditions recommended. All subdivisions require a review and recommendation from the Planning Commission and approval from the City Council. Public hearings are required to be held by each body.

STAFF RECOMMENDATION:

Based on compliance with the City's subdivision and condominium plat requirements for the existing project, Staff recommends that the Planning Commission forward a positive recommendation to the City Council to approve the subdivision plat for Ken Lloyd Condominium plat with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshall, and City Council.
2. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, and Century Link Communications regarding the utility easements on the subdivision plat prior to final approval.
3. The Regulations and Rules document shall be drafted to comply with Utah State Code 57-8-10, Contents of declaration, and approved by Midvale City's Legal Counsel and the City Council. This document shall be recorded concurrently with the final subdivision plat.

Kenneth Lloyd stated he is the applicant for this item. He explained that he currently has a tenant who would like to buy half of the commercial building that is located on this parcel. The sale of the building cannot be conducted until the property is subdivided.

There were no questions for the applicant.

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

Mr. Judkins stated that it looks like everything is in order for this plat. He noted that there is already a fire separation wall between the two units.

MOTION:

Ms. Costello moved that, *“Based on compliance with the City's subdivision and condominium plat requirements for the existing project, I move that we forward a positive recommendation to the City Council to approve the preliminary subdivision plat for Ken Lloyd Condominium with the following conditions:*

1. *The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshall, and City Council.*
2. *The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, and Century Link Communications regarding the utility easements on the subdivision plat prior to final approval.*
3. *The Regulations and Rules document shall be drafted to comply with Utah State Code 57-*

8-10, Contents of declaration, and approved by Midvale City's Legal Counsel and the City Council. This document shall be recorded concurrently with the final subdivision plat."

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

Ms. Costello Yes
Mr. Liedtke Yes
Mr. Hanson Yes
Mr. Judkins Yes

Motion carried unanimously

Mr. Wallin moved to discuss the third item on the agenda. Motion carried.

ACTION ITEM

3. REZ-22-30-153-008; A CUT ABOVE TREE PRESERVATION; 7321 SOUTH STATE STREET; REZONE 0.53 ACRES FROM SINGLE FAMILY RESIDENTIAL (SF-1) WITH DUPLEX OVERLAY TO STATE STREET COMMERCIAL; JEREMIAH ELDER (APPLICANT) (CONTINUED FROM 04-26-17 MEETING)

Mr. Hilderman presented that Jeremiah Elder, president of A Cut Above Tree Preservation LLC business and representative of the property owner, submitted a complete application proposing to rezone and develop property, located to the rear and adjacent to the existing commercial structures to the West, at 7321 South State Street under the proposed State Street Commercial zone district development standards. This proposal includes two parcels totaling approximately 0.76 acres (33,105.6) sq. ft.) and is currently vacant, undeveloped ground, excluding the applicant's machinery and equipment for his business located on the premise. The applicant is proposing, upon approval of the rezone request, to continue operating his primary office business and transactions at 7321 South State Street, #B and continue storing machinery, associated equipment, related construction trailer, and associated items on the rezoned property.

This proposal would require the property to be rezoned from SF-1 with a Duplex Overlay to the State Street Commercial zone; preliminary and final site plan approval that complies with the requirements of the SSC development standards; and approval of an Administrative Conditional Use Permit for any proposed outdoor storage use associated with the primary business.

PLANNING COMMISSION MEETING

On April 12th and April 26th, 2017, this application was presented before the Planning Commission at their regularly scheduled meeting. During discussion and review of this application, the Commission was concerned about language identified in the General Plan that states, "the Middle State Street Opportunity Area is intended to encompass properties that front on or have direct access to State Street and the area includes underutilized commercial uses facing State Street with limited parking (General Plan Pg. 52).

After further discussion and review, including citizen testimonies concerning this proposal, it was determined the Commission should **TABLE** a decision on this request to rezone until May 10, 2017 and required the applicant to:

- *Coordinate with the property owner(s) and discuss the possibility of making a reasonable connection to the State Street property that is legal and binding; and*
- *The property owner(s) are in agreeance to combine all parcels identified as 7321 South State Street into one identified parcel, under one ownership.*

The applicant and representative for the property owner were requested at the April 26th meeting date to provide the needed information. As of completion of this report, the applicant and property owner have not provided any written documentation nor verbal information confirming the information the Commission requested. The Planning Commission will need to determine if this additional information is necessary to forward a recommendation to the City Council and allow the applicant and/or property owner additional time to collect the necessary information or if the Commission is comfortable moving forward and making a recommendation, at this time.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission consider the appropriateness of this rezone request and considers all appropriate and applicable input received. Based upon Section 17-3-1 of the Midvale Municipal Code, *“if the Planning Commission fails to take action within thirty days of the close of the public hearing, the city council shall consider the matter forwarded from the planning commission with a negative recommendation.”* Because the public hearing was conducted on April 12, 2017 and subsequently closed on this same date, this ordinance language will need to be imposed based upon the outcome of this final meeting date. Staff recommends the Planning Commission forward a recommendation to the City Council for further review and discussion.

Jeremiah Elder stated he that was under the assumption that the property owner would contact Mr. Hilderman. He has been working more hours than usual and he has been unable to find time to meet with them. He is disappointed to hear that no contact has been made between the property owner and City Staff.

Mr. Wallin reiterated that the General Plan has specific requirements for approving a rezone. This particular piece of property does not meet those requirements if it is not legally combined with the adjacent property. He is concerned that approving a rezone without combining those parcels could potentially lead to commercial development that is not appropriate for the location. He does not think that denying a rezone will render this property useless because it could still be developed for residential use.

Ms. Costello commented that the property owner should have followed through with what was asked of them. Not doing so makes it difficult to forward a positive recommendation. She added that if you are going to be in business then it is important to comply with the law. That is not happening in this instance. She feels it is unfortunate that it has come to this because a negative recommendation is being made through no fault of the person who is simply trying to run his business at this location.

Mr. Wallin stated that the property owner is in a bind. The Planning Commission is asking them to combine the parcels which will incur a cost. Doing so would give the Commission the ability to forward a positive recommendation, however, the City Council will make a final decision. If the Council chooses to deny the rezone then the property owner could suffer a financial loss. With that being said, it is still surprising that the property owner did not even attempt make contact with the City or provide an update of their intentions.

Mr. Hanson agreed with Mr. Wallin. He likes the potential for this property, however, under the current circumstances a rezone is not appropriate. He hopes the applicant and the property owner are able to continue working on combining the parcels, however, the Commission needs to move forward with making a recommendation during this meeting.

Mr. Wallin suggested adding a third item to the motion explaining that this property could be developed for residential use if it is denied a rezone and a fourth item that explains the concern for potentially putting commercial development right next to residential homes.

Mr. Liedtke explained that he doesn't have an issue with rezoning this property because in some ways it makes sense. He does, however, have an issue with rezoning this property simply to fix the issues with it. He is concerned about the future of this property if this business were to vacate it.

Mr. Hanson stated he is not comfortable rezoning this property because it would set a precedent that it is okay to deviate from rules and requirements.

There was no further discussion regarding this item.

MOTION:

Mr. Judkins moved that, *“Due to the lack of the property owner moving forward with combining properties or providing a legally binding access to State Street, and for the following reasons, I move that we forward a negative recommendation to the City Council, denying the request to rezone the property located at 7321 South State Street (Parcel ID# 22-30-158- 008):*

- 1. The subject property does not front on or have direct legally binding access to State Street and does not support the future land use goals for the Midvale State Street Area as identified in the Midvale City General Plan, as presented.*
- 2. The business venture proposed by the applicant is not focused at the proposed commercial nodes of 7500 South and 7720/7800 South, as stated in the Midvale City General Plan.*
- 3. The property still has potential for use as currently zoned.”*

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

Ms. Costello Yes
Mr. Liedtke Yes
Mr. Hanson Yes
Mr. Judkins Yes

Motion carried unanimously

PUBLIC HEARING

1. CUP-25-227-059; UTAH AUTO DETAIL SUPPLIES AND SERVICE; 38 WEST 7200 SOUTH; CONDITIONAL USE PERMIT FOR VEHICLE-RELATED USE; STATE STREET COMMERCIAL ZONE; ANDRE LIAN (APPLICANT)

Ms. Burns presented that Utah Auto Detail is a new business located at 38 West 7200 South in the Springwood Village Shopping Center. Currently, the business includes the retail sales of auto care products. The business owner, Andre Lian, would like to expand the business to include auto detailing services. The tenant space includes retail/showroom floor space, a small office and warehouse space. The applicant is proposing to convert the warehouse space into one auto detail bay. This would require a new overhead door being installed on the north side of the building. The detail bay would be approximately 600 square feet in size.

This property is located in the State Street Commercial (SSC) Zone. The SSC Zone allows a vehicle-related use, such as this, as a conditional use. 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.

The business will be conducted within the existing development and tenant space. No modifications to the building or site are proposed to be made beyond the addition of an overhead door in the rear of the building and any modifications required by the Building Code for auto detailing. The existing shopping center development has sufficient utility capacity and emergency vehicle access for this proposed use, and the use will not significantly impact traffic and the capacity of the existing streets.

The parking requirement for a vehicle-related use is one space per employee plus four spaces per service bay; the office and retail uses require three spaces per thousand square feet. Based on this

requirement, 17 parking spaces are needed. The overall shopping center has 150 parking stalls, with the other tenant spaces requiring approximately 100 spaces. There are 10 parking stalls within the immediate vicinity of the rear of the building. It is anticipated these stalls will be used for vehicle drop-off and pick-up. Other stalls are shared by all the tenants.

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. This proposal is surrounded by existing commercial uses.

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 approves the Conditional Use Permit for Utah Auto Detailing to have a vehicle-related use to include one vehicle detailing bay at 38 West 7200 South with the following conditions:

1. The applicant shall obtain all required Building Permits for the installation of the overhead door and necessary interior improvements to accommodate the auto detailing use. All requirements of the Building Official and Fire Marshal shall be met. These improvements shall be completed prior to the auto detailing use commencing at this location.
2. All vehicles waiting for detailing services or to be picked up by customers after service shall be parked in the 10 rear parking stalls as shown on the site plan. These stalls shall be appropriately marked for this use.
3. The applicant shall revise its Midvale City Business License to include the auto detailing use.

Andre Lian stated he is the owner of Utah Auto Detail Supplies and Services. He explained they will be detailing around three to four cars a day. He gave a summary of the detailing services they intend to provide.

Mr. Wallin asked what the operating hours for this business will be.

Mr. Lian stated the current operating hours are 10am to 6pm. He will not accept cars past 3pm because he does not want vehicles to be left on-site overnight. Customers will need drop off their vehicle in the morning and pick it up later that same day.

Mr. Wallin asked Mr. Lian if he has a way to store a vehicle in the event that it needs to be left at his business overnight.

Mr. Lian replied that he can store a vehicle inside the building if it is left in his care overnight.

Mr. Wallin asked if this business will perform any repairs or maintenance on vehicles.

Mr. Lian stated he will not be doing any repairs or maintenance on vehicles.

Mr. Liedtke asked if this business is currently in operation.

Mr. Lian explained that his show room is operating, however, detailing is a new service they are adding to the existing business.

Mr. Wallin asked Mr. Lian if he has read and understands the conditions associated with this permit.

Mr. Lian stated he has read the conditions and he is willing to comply with all of them.

There were no further questions for the applicant.

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

There were no questions or comments from the public.

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

Mr. Wallin stated this is a great application and the applicant has been very responsive. He suggested adding a condition that prohibits the repair or maintenance of vehicles.

Ms. Costello commented that the applicant is very well prepared and this seems like a good addition to the City.

MOTION:

Mr. Hanson moved that, *“Based on the proposal’s compliance with the Conditional Use Permit criteria and the above analysis, I move that we approve the Conditional Use Permit for Utah Auto Detailing to have a vehicle-related use to include one vehicle detailing bay at 38 West 7200 South with the following conditions:*

- 1. The applicant shall obtain all required Building Permits for the installation of the overhead door and necessary interior improvements to accommodate the auto detailing use. All requirements of the Building Official and Fire Marshal shall be met. These improvements shall be completed prior to the auto detailing use commencing at this location.*
- 2. All vehicles waiting for detailing services or to be picked up by customers after service shall be parked in the 10 rear parking stalls as shown on the site plan. These stalls shall be appropriately marked for this use.*
- 3. The applicant shall revise its Midvale City Business License to include the auto detailing use.*
- 4. No repair, maintenance or disposal of hazardous materials will be allowed at this location and it must meet current regulations.”*

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

Ms. Costello Yes
Mr. Liedtke Yes
Mr. Hanson Yes
Mr. Judkins Yes

Motion carried unanimously

MINUTES

4. REVIEW AND APPROVE MINUTES OF APRIL 12, 2017 AND APRIL 26, 2017

The minutes of April 12, 2017 and April 26, 2017 were tabled to the next meeting.

ADJOURN:

Mr. Judkins moved to adjourn at 7:59PM.

A handwritten signature in blue ink that reads "Nicole Selman". The signature is written in a cursive style and is positioned above a horizontal line.

Nicole Selman
CD Administrative Assistant