



MIDVALE

In the Middle of Everything

7505 South Holden Street
Midvale, UT 84047
Phone (801) 567-7200
Fax (801) 567-0518

Midvale City
PLANNING AND ZONING COMMISSION
Minutes

28th Day of June, 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
Phillip Hill, CD Director
Danny Walz RDA Director
Jessica Stephens, CD 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

Ms. Costello	Excused
Mr. Hanson	Present
Mr. Judkins	Present
Mr. Wallin	Present
Mr. Liedtke	Present

PUBLIC HEARINGS

1. MPD/SUB-22-29-301-023; MIDVALE TOWNHOMES; 7475-7495 SOUTH 700 EAST; MASTER PLANNED DEVELOPMENT AND PRELIMINARY SUBDIVISION PLAT FOR TEN-UNIT TOWNHOME PROJECT; SINGLE FAMILY RESIDENTIAL ZONE (SF-1) WITH DUPLEX OVERLAY; A BETTER QUALITY HOME LLC/DAVID GEORGE (APPLICANT)

Ms. Burns presented that the applicant, A better Quality Home LLC represented by David George, is proposing a residential townhouse project on the properties located at 7475 South and 7495 South on 700 East. These properties total 1.05 acres in size and currently include two single-family houses with accessory structures. The applicant has created a development plan for the combined property. The proposed development plan includes demolishing all the existing structures to construct 10, two-story townhouse units. These units would be accessed from a new private road from 700 East. The plan also includes common open space/recreation areas and six guest parking spaces. Each unit would include a two-car garage.

The property is zoned SF-1 (single-family residential, minimum lot size 7,000 square feet) with a Duplex Overlay. The applicant is proposing to utilize the master planned development (MPD) provision to allow some flexibility in the lot sizes, setbacks and unit type. Based on the project area and zoning, up to 13 residential units may be allowed within this project. This proposal involves two requests. First, the applicant is requesting a MPD preliminary site plan approval for the ten-unit development layout and townhouse plans. 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 be owned and maintained by a homeowners' association.

Master Planned Development

The applicant is proposing to utilize the MPD provision to have some flexibility in the lot sizes, setback requirements and unit type typically required in the SF-1 (DO) Zone. 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 includes five-foot sidewalks along both sides of the private road. These sidewalks tie into the existing sidewalk on 700 East.

The proposed preliminary site plan includes 50% landscape/open space and 16% improved common recreation area as required. The proposed recreation amenities include a pickleball court, covered picnic area and tot lot, as well as a grass area that can be used informally. Additional details will need to be provided for these amenities on the final site plan, i.e. play equipment and picnic area details, etc. The applicant is proposing, through a subdivision plat, to include all the improved common open space to be owned and maintained by a homeowners' association. A declaration of covenants, conditions and restrictions will need to be drafted and recorded with the subdivision plat. This declaration will need to create a homeowners' association and a funding mechanism to maintain all the common areas, including the private road.

The proposed townhouse elevations include brick and stucco, and each unit has a covered front entry porches. The elevations comply with the required amount of brick material on the front and sides. In addition to the exterior material requirements, the building exteriors are required to be earth tone colors. Colors will need to be indicated on the final site plan, with samples provided. The townhouse buildings are approximately 25 feet in height (measured to the midpoint of the roof); the maximum height allowed in this zone is 28 feet.

The proposed structure locations maintain a 30-foot setback from both public roads (fronts), a 22-foot setback from the east (side) project property boundary, and between 8 and 13-foot setbacks from the north (side) project property boundary. Interior project setbacks, i.e. setbacks from the private road, include 7 feet to the garage doors and 2 feet to the covered entry porches on Units 1-4 and 7-10. Unit 6 is setback approximately 4 feet from the private road. 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, and the setbacks from adjacent development are consistent with what is required in the zone. The Planning Commission will need to determine if the proposed setbacks are appropriate for the overall development.

The proposed private road is within a 35-foot right-of way as required by the City's private road standard. The applicant has proposed curb and gutter and a five-foot sidewalk on both sides. Street lights along the private road need to be added to the final site plan. These lights will need to include LED fixtures and comply with the City's street light standards. The road includes a turnaround for emergency vehicles as required by the Fire Marshal. Because the width of the pavement section is only 20 feet, no on street parking will be allowed within this development,

and the road will need to be appropriately signed indicating no parking.

The preliminary site plan generally addresses the landscaping requirements for this type of development, excepting a few items. A landscape plan documentation package will need to be prepared as part of the final site plan. This package will need to include specific locations of all plant material and irrigation, and comply with the City's general landscaping requirements. Items that need to be addressed in this plan that are not included on the preliminary landscape plan include the following:

- Additional street trees along both sides of the private road complying with one tree per 30 feet of frontage.
- Relocate street trees along 700 East to the east side of the sidewalk.
- Foundation landscaping along the east sides of Units 4 & 7 and the south side of Unit 6.
- At least 25% of the plant materials and non-street trees being an evergreen variety.

The applicant is proposing a 6-foot vinyl fence around the perimeter of the project, except for the 700 East frontage. Sections of this fence are currently shown within the front setback area along 700 East. The front setback fence sections will need to be reduced in height to comply with the City's fencing standards or eliminated.

Each townhouse unit includes a two-car garage, with additional parking in the driveways of Units 5 & 6. The applicant will need to provide a floor plan showing the garages can accommodate two garbage cans. Six guest parking spaces are also proposed off the private road turnaround. This type of project requires a minimum of two off-street parking spaces per unit and one space per four units for guest parking. This standard has been satisfied.

The Fire Marshal has reviewed and approved the plan subject to "No Parking" signs being posted along the private road, and the fire hydrant at the north end of the turnaround being relocated to the south side of the private road near the guest parking. The City Engineer has reviewed the plan and does not have any development layout issues. 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 the private road improvements; 700 East improvements due to the construction of the private road; utilities; storm water improvements; street lights; street signs; grading plans, 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.
- 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 applicant will need to clarify the intent of the proposed limited common area behind each unit, and adjust accordingly. The subdivision plat, once recorded, will allow the individual ownership of each unit as shown on the preliminary subdivision plat. The remainder of the property will be included as common area on the plat, including the private road. These areas will be owned and maintained by a homeowners' association. The applicant will need to submit a declaration of covenants, conditions and restrictions for the homeowners' association, along with a final subdivision plat for review and approval. The declaration will need to be recorded concurrently with the subdivision plat. The applicant will need to provide the City with copies of letters sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link notifying them of the proposed easements on the subdivision plat prior to final subdivision plat approval.

STAFF RECOMMENDATIONS:

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 Midvale Townhomes Master Planned Development and preliminary subdivision plat with the recommended conditions.

Ms. Burns stated there is a small parcel near the intersection of 7500 South and 700 East that may be included in this project in the future. Because it not owned or under contract with the developer, it has not been included in the development proposal calculations.

David George stated he is the applicant for this item. He stated they are five to six months away from acquiring the piece of land owned by UDOT. UDOT and Salt Lake County had some difficulties processing the deed.

Mr. Wallin asked for the intent of the limited common area and how the declaration represents that intent.

Mr. George described defined areas of 5-7 feet surrounded by gated 3-4 foot fences for the residents to privately use. Their purpose is to give residents places to keep patio items and have space for pets, but will still be accessible and maintained by the HOA. Beyond the fenced areas will be a walking path and additional common area. The declaration will designate the fenced areas for exclusive use by the unit with an exception for maintenance.

Mr. Wallin asked if there will be a restriction on storage for the limited common area.

Mr. George replied it is not intended to be a storage area. Patio furniture and small BBQs will be allowed if they are maintained.

Mr. Liedtke asked if they intend to make a provision stating the garage must be maintained for parking. He explained the lack of street parking and ability to park in the driveway could cause

residents to park in the guest parking area if their garages are being used for storage. Mr. Hanson agreed and added that being unable to use the limited common area for storage will likely cause more storage to migrate to the garage. This will lead to residents using the guest parking.

Mr. George stated the basement areas are intended to be used for storage. He agreed to adding the provision for garage maintenance.

Mr. Wallin asked if the condition stating the garbage cans need to be stored in the garage could coexist with the garage parking provision. He asked for the dimensions of the garage.

Mr. George stated the garages are 22 feet deep and are designed to have space for the garbage cans.

Mr. Wallin stated there need to be fences indicated on the final site plan. He asked if there will be a fence along the exterior.

Mr. George stated there will be a 6-foot vinyl fence around the exterior except along 700 East.

Mr. Hanson asked who would be responsible for garbage pickup.

Mr. George stated the plan was to use the City's services.

Mr. Liedtke suggested adding more parking stalls along the south park strip.

Mr. George stated once the extra land is acquired from UDOT more parking can be added, but right now the project is at the minimum allowed landscaped area.

Mr. Wallin asked for details of the offered amenities.

Mr. George stated the common area will be an open-air gazebo with attached picnic tables. A BBQ pit is also being considered. Details will be included on the final site plan.

Mr. Hanson asked for the square footage of the units.

Mr. George stated they are 1400-1600 square feet for the above ground floors. The basement will be 600-700 square feet.

Mr. Judkins moved to open the Public Hearing. Mr. Hanson seconded the motion. Motion carried.

Peter Sikes stated he is a resident of the area and has concerns about the population density increase ten units would create. He stated the area has a unique character and he believes three larger units would be more aesthetically appropriate. He asked if the first proposal is always approved or if the City can choose based on aesthetics.

Mr. Wallin explained that if someone has the rights to the property and the proposal complies with regulations then it is approved. Mr. Liedtke added by law proposals must be granted if they

follow zoning and code regulations.

Phil Krants stated he is a resident of the area and there will be parking complications. He suggested allowing the applicant to encroach on other space requirements to add more parking.

There were no further comments from the public.

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

The Commissioners and Staff discussed creating a condition to require the remainder of the property be used to add more guest parking. The plans are currently meeting the 50% open space landscaping requirement and more parking cannot be added until the last piece of land is obtained. The landscaping requirement cannot be modified without an amendment to the ordinance. The Commission can recommend the piece of property be used for parking but they cannot make it a condition because the plans already meet the requirements for parking.

Mr. Hanson asked when the construction will begin and whether it will coincide with the 4-6 months it will take to obtain the final piece of property.

Mr. George stated the development will begin in August and they can build with the intent to add parking to the extra land once they acquire it. They will hold off finishing the common area to make it easier. They should be able to add the extra parking stalls in the Spring.

Mr. Wallin asked Ms. Burns what the approval process for a final site plan is and how long it takes. She explained it is reviewed and approved by Staff and the timing depends on the developer's pace, with the initial review process taking 2-3 weeks and whether corrections need to be made by the developer. She added the plat can be done concurrently with the site plan. She suggested making a condition on the site plan/conditional use permit for maintaining the garages for parking, and making a condition on the subdivision plat approval indicating the declaration must include language stating the garages must be maintained for parking.

The Commissioners discussed a 14th condition regarding additional guest parking.

MOTION:

Mr. Liedtke moved, *“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 Midvale Townhomes Master Planned Development to be located at 7475-7495 South 700 East and the preliminary site plan with the following conditions:*

- 1. The common recreation area details need to be included on the final site plan.*
- 2. Earth tone colors shall be used on all building exteriors. The building materials and colors shall be indicated on the building elevations included on the final site plan and color samples provided.*

3. *The garages shall be able to accommodate two garbage cans in addition to two vehicles. A floor plan shall be submitted showing this prior to final site plan approval.*
4. *All fencing shall be clearly indicated on the final site plan and address height and sight distance requirements where applicable.*
5. *A landscape plan documentation package shall be prepared as part of the final site plan. This plan shall include all plant materials and specific locations, sizes and irrigation. The plan shall also address the following items:*
 - *Additional street trees along both sides of the private road complying with one tree per 30 feet of frontage.*
 - *Relocate street trees along 700 East to the east side of the sidewalk.*
 - *Foundation landscaping along the east sides of Units 4 & 7 and the south side of Unit 6.*
 - *At least 25% of the plant materials and non-street trees being an evergreen variety.*
6. *Street lights along the private road shall be added to the final site plan. These lights shall be LED fixtures and comply with the City's street light standards.*
7. *The fire hydrant at the north end of the turnaround shall be relocated as required by the Fire Marshal.*
8. *Detailed construction drawings shall be reviewed and approved by the City Engineer as part of the final site plan.*
9. *All requirements of the Building Official shall be satisfied.*
10. *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.*
11. *The applicant shall obtain duty to serve letters for water and sewer prior to final site plan approval.*
12. *The private road shall be posted as a "No Parking" area except in the designated off-street guest parking stalls.*
13. *The garages must be maintained to allow parking for two cars and for respective garbage can storage at all times.*
14. *Once the additional property is annexed to the plat, the final site plan may be amended to include additional guest parking stalls in accordance to the revised open space requirements."*

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

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

Motion carried unanimously

Mr. Judkins moved, *"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 the Midvale Townhomes Master Planned Development with the following conditions:*

1. *The applicant shall clarify the intent of the proposed limited common area behind each unit, and adjust accordingly.*
2. *The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.*
3. *Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the master planned development.*
4. *The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.*
5. *The applicant shall prepare a declaration of covenants, conditions and restrictions, including the creation of a homeowners' association, for the development and include language requiring the garages be maintained to park two cars at all times with room for the respective garbage cans. This document shall be recorded concurrently with the subdivision plat.*
6. *The subdivision plat shall not be recorded until all existing structures have been removed from the property.”*

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

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

Motion carried unanimously

2. SSMP/CUP-21-26-226-009; JIFFY LUBE; 7087 SOUTH BINGHAM JUNCTION BOULEVARD; AMENDMENT TO SMALL SCALE MASTER PLAN FOR RIVERWALK RETAIL LOT 9 AND CONDITIONAL USE PERMIT FOR AUTOMOTIVE FILLING AND REPAIR STATION; BINGHAM JUNCTION ZONE/RIVERWALK OVERLAY; PARKER ROBERTSON/WADSWORTH DEVELOPMENT GROUP (APPLICANT)

Mr. Hilderman presented that Parker Robertson, representing Wadsworth Development Group, is proposing an amendment to the approved Small Scale Master Plan/Preliminary Site Plan for two multi-tenant buildings. This property is Lot 9 of the Riverwalk at Bingham Junction, Lot 4D & 4E Amended Subdivision plat within the Riverwalk Retail Center Large Scale Master Plan area and is approximately 76,851 square feet (1.764 acres). This project is subject to the requirements of the Bingham Junction Zone, the Riverwalk Overlay and the Riverwalk Retail Center Development Agreement. These individual and multi-tenant building proposals include the following;

- One (1), 2,975 sq. ft. structure with 4 service bays;
- One (1), 6,600 sq. ft. structure with drive-thru service;
- 60 parking stalls;

- Associated landscaping element; and
- Accesses from the access drive from Bingham Junction Blvd., running through the site, and connecting to 700 West.

The Planning Commission approved the Large-Scale Master Plan for this overall project area with the following conditions:

1. All development within the amended large scale master plan shall comply with the Development Standards in Section 17-7-9.12.1.6 of the Zoning Ordinance, including but not limited to a minimum of 50% of the street facing facades being built within three feet of the 20-foot build-to-line; this will require that the 700 West facing façade for Building E be the same or a greater length than the 700 West facing façade for Building D.
2. All development within the amended large scale master plan shall comply with the Landscaping Standards in Section 17-7-9.12.1.7 of the Zoning Ordinance. Landscaping plans shall incorporate some of the plant materials and landscape design elements of the existing landscaping on Lot 4B of the Riverwalk at Bingham Junction Lot 4C Amended subdivision (WinCo).
3. All development within the amended large scale master plan shall comply with the Architectural Standards in Section 17-7-9.12.1.8 of the Zoning Ordinance, including but not limited to drive aisles located between the building and the street being minimized as much as possible with berming and landscaping and complying with the specific development standards in the ordinance.
4. All development within the amended large scale master plan shall comply with Sections 17-7-9.5 Common Development Standards and 17-7-9.6 Parking of the Zoning Ordinance.
5. All development within the amended large scale master plan shall comply with the approved Riverwalk Thematic Design Elements, i.e. lighting, street trees, etc.
6. The new access on Bingham Junction Boulevard shall be right-in/right-out only and shall comply with the requirements of the City Engineer.
7. The applicant shall obtain approval from UDOT for the new access on to 7200 South.

This Small-Scale Master Plan proposal is consistent with the approved Large-Scale Master Plan as it relates to the access points into the site and the general building and parking layout. The City Engineer and Fire Marshall have reviewed the revised site plan and do not have any specific development layout issues that need to be addressed; however, utility plans and site construction details will need to be finalized before any final approvals are granted. All of these required details for the City Engineer and Fire Marshall will be addressed with the final site plan and construction drawings. These details will not affect the proposed site layout or structure, as currently proposed.

In reviewing the proposed site plan and building elevations with regard to the required development standards, landscaping standards, architectural standards, and Riverwalk Thematic Elements, Staff has found the proposed site plan to comply with the required items with some minimal changes. As stated in the Riverwalk Zone development standards, all retail/office/flex structures shall have at least fifty percent (50%) of the adjacent facades built within three feet (3') of the landscaped setback (build-to-line). The build-to line is defined as the landscaped setback line from the public right-of-way. Both buildings have been revised to incorporate a

drive-thru feature adjacent to the build-to-line. Since this feature is an element for these structures to operate, the drive-thru lane can be located along the landscape setback to satisfy the build-to line requirement. The applicant has also proposed the planting of evergreen shrubs along the edge of each drive-thru lane and planting 22 Linden-street trees, in a linear pattern, to help minimize these features from the public sidewalk and right-of-way.

The proposed sizes and uses of the buildings require a minimum of 49 parking spaces (including the identified number of employees for the automotive use); 60 have been provided. The additional landscaping features; i.e. sod areas, cobblestone mulch, and trees and shrubs are proposed to correspond with the adjacent developments within this area. Building foundation landscaping has also been provided around the perimeters of each structure. The applicant has also provided 27% interior parking lot landscaping which complies with the minimum 10% interior parking lot landscaping requirement.

The North building continues to include some of the building forms, materials, and colors included in the Exterior Building Palette, which is part of the approved Development Agreement for the overall project. This structure also includes the variations in the facade and details that break up the wall areas. The revised South building, for the proposed automotive filling and repair station, includes a combination of storefront windows and opening, split-face CMU and stone veneer, and EIFS finishing, as well as metal gutters and roofing to match the building. The Riverwalk Overlay limits the amount of stucco on exterior elevations to a maximum of 50%. Based on the amount of stone, exterior finishing and window/door opening for each elevation, this revised structure complies with this standard. All mechanical equipment located on the outside of the building shall be painted to match the structure and/or screened appropriately with landscaping. Other items that need to be addressed include:

- An irrigation/planting plan complying with Section 17-7-9.5 F of the Zoning Ordinance.
- An exterior lighting plan complying with Section 17-7-9.6 F of the Zoning Ordinance and the thematic lighting standards in the Development Agreement. The parking lot light fixtures, poles, and pole bases need to match those in the existing adjacent properties.
- All signage will require a separate Sign Permit for review and approval.

Staff believes these details can easily be addressed as part of Staff's final site plan review. With these items addressed and with some specific conditions, the proposed Small-Scale Master Plan/Preliminary Site Plan is consistent with the approved Large-Scale Master Plan for this area and complies with the zoning requirements for this area including those required by the Development Agreement for the Riverwalk Retail Center.

CONDITIONAL USE PERMIT

Provided all the Small-Scale Master Plan/Preliminary Site plan requirements are satisfied, Staff does not see any issues or additional mitigation measures needed for an automotive use at this location. It does not appear this use will be detrimental to the existing or future surrounding uses.

STAFF RECOMMENDATION

Staff would recommend approval of the revised Small-Scale Master Plan/Preliminary Site Plan and Conditional Use Permit with recommended conditions.

Parker Robertson stated he is the applicant for this item. He explained Wadsworth has developed a lot of the nearby area and they have enjoyed working with the City. He stated they have been through the process before and wanted to add the sidewalk on the north side and they wanted to add a trash enclosure for Jiffy Lube.

Mr. Wallin asked if the applicant needed clarification on the condition stating all work must be performed in the shop area. He added cars must not come out on the drive aisle.

Justin Soha stated he is a representative for Jiffy Lube. He stated Jiffy Lube can do all work inside the building.

Mr. Wallin asked for the proposed hours of operation. Mr. Soha replied 8AM – 6PM Monday through Friday, 8AM – 5PM on Saturday, and 9AM – 5PM on Sunday. He added they hope to be open by the end of the year.

Mr. Robertson presented a color board to the Commissioners. It combines neutral colors with the colors of Jiffy Lube to maintain both the look of the brand and the look of Riverwalk.

There were no further questions for the applicant.

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

There were no comments from the public.

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

The Commissioners discussed the proposed improvements. Mr. Wallin added the additional sidewalk on the north improves walkability which is a common concern with residents of the area.

MOTION:

Mr. Hanson moved, *“Based on the project complying with the approved Large-Scale Master Plan and the development standards and requirements for the Riverwalk Overlay Zone, I move that we approve the revised Small-Scale Master Plan and Conditional Use Permit for Riverwalk Retail Lot 9 to be located at 7087 South Bingham Junction Boulevard with the following conditions:*

- 1. The applicant shall prepare a final site plan in accordance with Section 17-3-3 E of the*

Zoning Ordinance. This final site plan shall be reviewed and approved by the City Engineer, Fire Marshall, and the City Planner.

2. *All mechanical equipment is encouraged to be located inside the building. Any equipment, meters/boxes, etc. required to be on the outside of the building shall be painted to match the building and/or screened appropriately with additional landscaping.*
3. *An irrigation/planting plan as required in Section 17-7-9.5 F of the Zoning Ordinance shall be prepared.*
4. *An exterior lighting plan, to include light locations, fixture details, and photometric information as required in Section 17-7-9.6 F of the Zoning Ordinance and the Riverwalk Thematic Elements, shall be prepared. Parking lot light fixtures, poles, and pole bases shall match those existing in the Riverwalk Retail Center Large Scale Master Plan area.*
5. *All vehicle work shall be performed inside the shop area.*
6. *Any vehicles kept overnight shall be stored inside the shop area. Outdoor storage is prohibited.*
7. *All requirements of the State regarding the storage and disposal of hazardous materials shall be satisfied at all times.*
8. *The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.*
9. *All signage shall be reviewed under the applicable sign requirements and approved through the sign permit process.”*

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

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

Motion carried unanimously

3. CUP-21-24-452-009; HIGH PROTECTION COMPANY; 6951 SOUTH 300 WEST #A; CONDITIONAL USE PERMIT FOR VEHICLE-RELATED/SALES AND SERVICE USE; CLEAN INDUSTRIAL ZONE; MAURICIO JUNOT DE MARIA (APPLICANT)

Mr. Hilderman presented that Mauricio Junot De Maria, authorized agent representing the property owner, 72nd South Partnership, submitted a complete application proposing to operate and manage a vehicle-sales and repair use business in an existing commercial structure. The applicant proposes to occupy one unit space identified as 6951 S 300 W, #A and is estimated to be 6,000 sq. ft. with existing office spaces, restrooms, waiting area, indoor shop area and overhead door access located to the rear.

The applicant’s main business is providing armored vehicles to prospective buyers. The applicant’s business specializes in designing, engineering, manufacturing, and delivering cars that protect against man-made harmful devices and forced entry from criminals. The applicant has also indicated that personal vehicles will be purchased, provided minor repairs and maintenance, and resold to the general public. The commercial operating hours are proposed to be from 8:00 a.m. to 7:00 p.m., Monday – Friday, and 8:00 a.m. to 3:00 p.m. on Saturday. All

vehicles for the primary business are proposed to be stored inside the commercial space with a few vehicles for sale identified within the five (5) parking stalls adjacent to Cottonwood Street (300 W.). The applicant anticipates a total of twenty (20) cars per month to be sold at this location and has identified a total of seven (7) employees for the initial business operation.

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 for the automotive sales use and one space per employee/shift plus 4 per service bay for the automotive repair use. Based upon the applicant's business operation and submitted site plan, the required amount of off-street parking is sufficient for this use. 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 Clean Industrial (CI) zone, which requires a Conditional Use Permit for any vehicle-related repair and sales/service use. 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. 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 approves the Conditional Use

Permit for High Protection Company, to be located at 6951 South 300 West, #A, with the following conditions:

1. All vehicles related to High Protection Company shall be parked inside the building.
2. All vehicle work shall be performed inside the shop area.
3. Any vehicles kept overnight shall be stored inside the shop area. Outdoor storage is prohibited.
4. Any vehicles for sale shall be parked within the five (5) stalls adjacent to Cottonwood Street and maintained at all times.
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 times.
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 CI zone and sign permits obtained before such signage is installed.

Mr. Judkins asked for clarification on the recommended condition stating, “no vehicles can be kept outside of the shop overnight”.

Mr. Hilderman stated he had thought there were two businesses, High Protection Company and private car sales. He intended for the cars being sold to be allowed to stay outside overnight and the cars being worked on to be kept inside the shop area. He clarified there is only one business that encompasses buying, selling, and armoring the cars for sale as well as armoring cars for clients.

Mauricio Junot De Maria stated he is the applicant for this item. He confirmed that there are two businesses. He stated his main business is bullet-proof cars and his main client is the US Army with most of his sales being out of the country. He buys, sells, and does small repairs in-between contracts with the US Army. The cars he sells on site are not armored. He plans on using the shop area to work on cars when he does sign a new government contract.

Mr. Wallin asked how the cars are transported to the site, and how often this occurs.

Mr. De Maria stated he owns a trailer that moves up to three cars at a time, and the frequency depends on the demand. He stated he plans on pulling the cars he is selling into the shop at night.

Mr. Liedtke moved to open the Public Hearing. Mr. Hanson seconded the motion. Motion carried.

There were no comments from the public.

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

MOTION:

Mr. Liedtke moved, “Based on the applicant’s compliance with the Conditional Use Permit criteria and the above analysis, I move to approve the Conditional Use Permit for High Protection Company, to be located at 6951 South 300 West, #A, with the following conditions:

1. All vehicles related to High Protection Company shall be parked inside the building.
2. All vehicle work shall be performed inside the shop area.
3. Any vehicles kept overnight shall be stored inside the shop area. Outdoor storage is prohibited.
4. Any vehicles for sale shall be parked within the five (5) stalls adjacent to Cottonwood Street and maintained at all times.
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6. All requirements of the State regarding the storage and disposal of hazardous materials shall be satisfied at all times.
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 CI zone and sign permits obtained before such signage is installed.”

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

Mr. Liedtke Yes

Mr. Judkins Yes

Mr. Hanson Yes

Motion carried unanimously

DISCUSSION

4. JORDAN BLUFFS

Danny Walz, RDA Director, started the discussion by introducing Matt Dahl as the City’s new Housing Director. He stated he has been trying to create a Housing Department for the City for a few years and Matt Dahl had previously been a Deputy Director for Salt Lake City’s Housing and Neighborhood Development Department and worked in their RDA Department.

Mr. Walz explained some background information for the Jordan Bluffs project area. It is 268 acres, the area was defined in 2004, and it consists of capped tailings.

Mr. Walz stated most the property is owned by TIC ownership group which consists of 8 entities and 6 individuals. This ownership group has been one of the large hurdles preventing the development of the area. There was a disagreement between the last developer and the ownership group as well as a disagreement between the owners which caused the last development opportunity to fall through. This type of ownership group is difficult because all the owners have an equal vote regardless of how much of the property area they own. They tried to

sell the property, but no one knew if the land could be developed, therefore, the offers were too low for the owners to accept.

Mr. Walz explained there are significant environmental and geotechnical issues the ownership group could not address. The RDA obtained an Option to Purchase Agreement for two years for \$300,000 for the right to perform due diligence on the property. They hired Geosyntec to assist in addressing the environmental and geotechnical issues. The RDA also began removing obstacles from the property created by prior uses and updated the property survey. They entered the Option to Purchase Agreement with the intent to later market the property to developers and have them assume the option.

Mr. Walz stated there is a Purchase Agreement with the Gardner Company and a Right of First Offer Agreement with AM China Nevada.

Mr. Wallin asked how much money the RDA has put into the Project Area.

Mr. Walz replied that after the \$300,000 for the original Option to Purchase Agreement there were two 6 month extensions for \$100,000 and there were soft costs for legal and consulting fees. He stated it was unlikely for a developer to take on those costs not knowing if they could build on the property.

Mr. Walz stated the Agency is clearing up the final issues on the Title Report and will soon be able to have an updated survey. They are awaiting approval from the Environmental Protection Agency (EPA) and Utah Department of Environmental Quality to submit their site modification plan. Gardner is currently doing their geotechnical and legal review, calculating construction costs, and analyzing their site development options.

Mr. Liedtke asked if there was an option to renew their Option to Purchase Agreement.

Mr. Walz replied there is not. He explained the first two extensions were built into the original agreement. The Agency is working under the assumption that if they were to renegotiate the agreement for more time the terms would become less favorable.

Mr. Walz addressed some of the site constraints on development. The capped area of the site is composed of 25-50 feet of uncompacted tailings, a geomembrane lining, 2-3 feet of clay and topsoil or grass. The off-cap area does not have any composition problems but may have old building foundations from previous uses. The initial problem with development on the capped area is maintaining EPA guidelines for repairing the cap. The larger problem with development is the geotechnical complications of uncompacted tailings. The site was designed so that water drains off or evaporates because if water penetrates the cap it can cause leakage into the Jordan River. The final site problem is the lack of infrastructure throughout the Project Area.

Mr. Walz stated economically there is a high construction cost because of the need to preserve the cap. It will multiply construction costs 2-5 times what a normal site would cost. The differential settlement potential of the uncompacted tailings will also increase the cost of building.

Mr. Walz stated there is a restriction on what can be built on the cap, multi-story buildings may weigh too much and residential homes may settle differently and have difficulties with utility connections. He added there will need to be different requirements for open space and landscaping to maximize the development footprint and minimize the potential for water penetrating the cap. He suggested transferring the open space requirement across the entire site.

Mr. Liedtke asked if the EPA is going to contribute to the site.

Mr. Walz stated they have not offered funds, but they have been very cooperative with the proposed solutions the Agency has given.

Phillip Hill, CED Director, added the EPA has a special account. The funds in the account are superfunds that are not affected by the national budget. The City will be getting a grant through the EPA from that account to hire a site coordinator. He explained the site coordinator is responsible for making sure each development meets the institutional controls set by the EPA and protects the remedy.

Mr. Walz stated they had calculated it would be roughly \$140 million to remove the tailings. Originally the EPA had issued a reuse certificate before addressing the environmental and geotechnical issues. Mr. Hill explained the tailings originated from the smelter and from the cleanup of the properties west of I-15.

Mr. Walz stated Gardner is looking to purchase the property and develop the capped portion. They intend to sell the off-cap portion to Wasatch Properties. They have proposed office and industrial warehouses for the capped property. They intend minimal cutting into the cap by putting their buildings on the top of the hills and burying their utilities in the valleys. He explained the buildings count as part of the cap. The site modification plan they are working on replaces the necessity of adding a plastic lining by adding hard surfaces like buildings and asphalt to the cap. This hard surfaces addition is why the landscaping requirements need to be scaled down.

Mr. Judkins asked what Gardner intends to do with the foundation structures and if they had received a proposal for surcharging.

Mr. Walz stated it would be like a floating foundation. They intend to build to allow for a greater amount of settlement. He added they had received a proposal for surcharging and for dynamic compaction, but Gardner decided it would be more cost and time effective to do without it.

Mr. Hanson asked if there was any record of how much settling has occurred since the area was capped.

Mr. Walz stated the previous developer surcharged test piles. They lost the data point they were using when a road project was done in the area. They have started these tests over again, and are attempting to make assumptions based on the data.

Mr. Walz stated Wasatch Properties is proposing multifamily residential apartments and townhomes on the off-cap area. They may have difficulties in building new infrastructure and

running into old building foundations on the property.

Mr. Walz stated the RDA will start working on their financial participation, and the goal is to close their agreement in September.

Mr. Judkins asked if the City has any risk for any long-term problems with the development.

Mr. Walz stated the City does not carry any risk. The liability lies on the developer.

Mr. Hill explained the ordinance on Jordan Bluffs breaks the area into four separate sub areas with their own densities and uses identified. The rest of the ordinance is intent statements and guidelines created ten years ago, with the intent to write the zoning ordinances when there were more solid plans for the area. This creates a problem for developers and investors who need more information before closing on the property. He stated the City is working on a development agreement that provides enough information and comfort to lenders so they can close on the agreement before the deadline.

Mr. Hill stated they will be requesting to make changes to the current ordinances. The sub areas currently do not allow for the residential densities proposed on the off-cap portion of the site and that needs to be modified. There will be a public hearing on the 12th of July to discuss new boundaries for the subareas.

Mr. Hill stated in the area, office warehouses are zoned as a conditional use. He suggested making them a permitted use. This will be a benefit on the lending side and will also cut down on redundant meetings. The proposed buildings will already be included on the site's large and small scale master plans. They will be looked at and approved and therefore will not need to be readdressed for conditional use purposes. He added the City has budgeted for outside land use legal counsel to go through the City's zoning ordinances and compare them with State Laws and to review conditional uses. There is currently a public misconception the term 'conditional use' means a use can be denied at the Commission's discretion. Under State Law there must be a specific set of criteria you can measure the use against. If it meets the criteria, the use must be accepted. A permitted use also must meet a set of criteria and must also be approved if the criteria is met. The difference being one is approved by Staff, and the other is approved by the Planning Commission. He suggested using Jordan Bluffs as a test case in writing standards for all the uses. Making more uses permitted uses will eliminate the public expectation the uses can be denied.

Mr. Wallin stated conditional use cases are not about whether the use will have an impact but how to mitigate the impact.

Mr. Judkins suggested broadening the allowable uses for this area.

Mr. Hill stated they are looking if something needs to be a conditional use or whether a more robust zoning ordinance for the use would be better. Staff and the Commission discussed the potential conditional uses on the site.

Mr. Wallin requested more information on the owner's vested rights as they pertain to the

proposed changes to the sub areas for the next meeting.

Mr. Hill stated once the agreement is approved by the City Council and Gardner buys the property, more in-depth discussions about the zoning ordinances for the area can begin.

MINUTES

5. REVIEW AND APPROVE MINUTES OF JUNE 14, 2017

Mr. Hanson moved to approve the minutes of June 14, 2017 with amendments. Mr. Liedtke seconded the motion. Motion carried.

ADJOURN:

Mr. Judkins moved to adjourn at 10:13PM.

A handwritten signature in cursive script that reads "Jessica Stephens". The signature is written in black ink and is positioned above a horizontal line.

Jessica Stephens
CD Administrative Assistant