



**MIDVALE**

In the Middle of Everything

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

**26th Day of July, 2017**  
**Council Chambers**  
**7505 South Holden Street**  
**Midvale, Utah 84047**

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***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  
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 HEARING

### **1. CUP-22-30-201-015; NANAS LULLABIES & LAUGHTER CHILDCARE; 339 EAST KITTRIDGE STREET; CONDITIONAL USE PERMIT FOR RESIDENTIAL CHILDCARE FACILITY; SINGLE FAMILY RESIDENTIAL (SF-1) ZONE; SHELLEY NAYLOR (APPLICANT)**

Mr. Hilderman presented that the applicant, Shelley Naylor, is requesting a Conditional Use Permit to operate a child care business from her home located at 399 East Kittridge Street. The child care business would be operational Monday thru Friday from 6:00 a.m. till 6:00 p.m., and would include up to a maximum of twelve (12) children. The child care business would occur inside the dwelling and within the fenced back yard (see attached site plans). The applicant also anticipates to hire one additional employee for the initial business, identified as her daughter, who does not reside at the subject location.

This property is zoned single-family residential (SF-1) and requires an approved Conditional Use Permit for a child care operation anticipating to watch between 7 to 12 children. In addition to the general conditional use criteria, specific criteria for this use must be satisfied which includes the following:

1. Proof of a state child care license;
2. Compliance with state, federal, and local law;
3. A design which precludes a front yard playground and signage in excess of a two-square foot nameplate; and
4. A delivery, traffic, and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located.

Ms. Naylor is working with the Utah Department of Health to obtain a State License for a residential child care use in her home. She will also need to apply for a Midvale City Business License. Part of the business license application review will require an inspection by the City Building Official and Fire Marshall. All building and fire code issues will be addressed at this time.

The Zoning Ordinance requires one parking space per on-duty employee and one parking space for each six children. Based on this standard, four parking spaces would be required. The property includes an existing two-car garage, a 16' x 30' driveway that can accommodate two-

vehicles, and 12' x 25' parking pad, adjacent to the garage structure. The applicant may need to indicate areas of long-term parking vs. short-term parking, to accommodate the drop-off and pick-up times, to ensure the roadway and pedestrian walkways are not blocked with cliental vehicles.

### **Staff Recommendation**

Based on compliance with the Conditional Use Permit criteria and the above analysis, Staff would recommend that the Planning Commission approve the residential child care facility Conditional Use Permit for Nana's Lullabies & Laughter, to be located at 399 East Kittridge Street, with the following conditions:

1. The maximum number of children allowed shall be twelve (12).
2. All outside playtime shall occur in the backyard only.
3. Hours of operation shall not exceed 6:00 a.m. to 6:00 p.m., Monday thru Friday.
4. Signage for the operation shall comply with the two-square foot area nameplate requirement.
5. The applicant shall ensure that all drop-off and pick-up vehicles park in a manner so as not to obstruct adjacent driveways and pedestrian walkways. Drop-off and pick-up times shall be staggered to limit the number of vehicles at any one time.
6. All requirements of the Building Official and Fire Marshall shall be met.
7. The applicant shall maintain any necessary City and State licenses for the business at all times.

\* \* \*

Mr. Hilderman stated that he received a public comment in the mail from Jolene Young. Ms. Young stated she has concerns about the applicant's dogs. The dogs create a lot of noise. She asked if the dogs will be kept outside during the operational hours of the daycare.

Shelley Naylor stated she is the applicant for this item. She described her experience in nursing and her desire to care for people. She stated she has had conversations with her neighbors about the dogs and understands their concerns. The dogs will be kept in the house during daycare hours

Mr. Wallin asked if she has considered the state licensing requirements and regulations for keeping dogs at a daycare.

Ms. Naylor replied she had. She stated the dogs are hypoallergenic and that they are mentioned in the parent contract. The dogs will stay inside when the children go out to play to avoid causing a barking disturbance.

Mr. Wallin asked for an explanation of the parking situation.

Ms. Naylor explained the parent contract dictates that there must be short pick-up and drop-off times. There will be staggered drop-off times starting early in the morning. Parents are

encouraged to communicate through calls and texts instead of in person to cut down on traffic.

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

Glen Johnson, 409 E Kittridge Drive, stated he is concerned about traffic given how narrow the roads in the area are.

Mr. Wallin stated the intent is to have all pick-ups and drop-offs occur in the driveway and not curbside. There are an adequate number of parking spaces for this use.

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

Ms. Naylor stated she is aware there is concern about the trailer in the driveway. It will be moved into storage to make room for the business.

The Commission stated they feel the applicant has appropriately addressed all of the issues in her operating plan. The applicant was well prepared and has plans in place to mitigate potential impacts to adjacent uses.

**MOTION:**

Mr. Liedtke moved that, *“Based on the applicant’s compliance with the Conditional Use Permit criteria, I move to approve the residential child care facility Conditional Use Permit for Nana’s Lullabies & Laughter, to be located at 399 East Kittridge Street, with the following conditions:*

1. *The maximum number of children allowed shall be twelve (12).*
2. *All outside playtime shall occur in the backyard only.*
3. *Hours of operation shall not exceed 6:00 a.m. to 6:00 p.m., Monday thru Friday.*
4. *Signage for the operation shall comply with the two-square foot area nameplate requirement.*
5. *The applicant shall ensure that all drop-off and pick-up vehicles park in a manner so as not to obstruct adjacent driveways and pedestrian walkways. Drop-off and pick-up times shall be staggered to limit the number of vehicles at any one time.*
6. *All requirements of the Building Official and Fire Marshall shall be met.*
7. *The applicant shall maintain any necessary City and State licenses for the business at all times.”*

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

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

Motion carried unanimously

**2. REZ/SPR-22-30-205-017; JSR SERVICES OFFICE BUILDING; 475 EAST FORT UNION BOULEVARD; REZONE TO MIXED USE ZONE/7200 SOUTH OVERLAY AND PRELIMINARY SITE PLAN; SINGLE FAMILY RESIDENTIAL (SF-1) ZONE/DUPLEX OVERTLAY/7200 SOUTH OVERLAY; JAMES ROHBOCK (APPLICANT)**

Ms. Burns presented that the applicant, James Rohbock, is proposing to convert the existing single family house at 475 East Fort Union Boulevard into a small office for their business under the Mixed Use/7200 South Overlay zones. The property is approximately 0.35 acres in size (0.24 acres outside an existing easement for the Jordan and Salt Lake City Canal) and includes a single-family house and detached garage. The proposed office use would encompass the entire house, approximately 700 square feet; the detached garage would be used for parking and storage. No expansion of the existing structures is being contemplated. As part of this conversion, the owners are proposing to construct four parking stalls in addition to the two spaces in the detached garage, and landscape the property

**Rezone**

Currently the property is zoned Single-family Residential (SF-1) with a Duplex Overlay; it is also part of the 7200 South Overlay. The 7200 South Overlay was created to facilitate the transition of the 7200 South Corridor from residential to a mix of residential and commercial uses. To allow a general office use, the property needs to be rezoned to Mixed Use (MU) in conjunction with a proposed site plan that complies with the requirements of the Mixed Use Zone and the 7200 South Overlay.

This proposal is consistent with the goals of the Midvale City General Plan 2016, which includes this property within the 7200 South Opportunity Area. One of the land use goals of the 7200 South area is to support new office uses west of 700 East (pg. 54 – Midvale City General Plan 2016).

**Preliminary Site Plan**

The proposal does not include any exterior changes to the structures on the property. The proposed site plan includes widening the existing driveway from 14 to 20 feet to comply with the City’s commercial driveway standards, and constructing a parking area for four vehicles near the building. Based on the square footage of office space being proposed, three parking spaces are required. Light for the parking and building entrance will be provided with wall mounted lights. The applicant is proposing a 25-foot landscaped setback with two street trees along Fort Union Boulevard as required. New landscaping is being proposed along the west fence line and adjacent to the building. The chain link fence along the north property boundary will be replaced with a wood screening fence.

The City Engineer and Fire Marshal have reviewed the preliminary site plan, and both have

approved the layout and improvements being proposed. All development requirements of the Mixed Use Zone and 7200 South Overlay have been satisfied.

### **Staff Recommendation**

Based on this proposal complying with the intent of the 7200 South Overlay and furthering the goals of the Midvale City General Plan 2016, Staff recommends the Planning Commission forwards a positive recommendation to the City Council to rezone the 0.35-acre parcel located at 475 East Fort Union Boulevard from SF-1 with a Duplex Overlay to Mixed Use.

Staff further recommends that the Planning Commission approves the preliminary site plan for the JSR Services Office on this property with the following conditions:

1. This approval is contingent upon the City Council approving the rezone of the property to Mixed Use.
2. The applicant shall obtain approval from Salt Lake City Public Utilities for any improvements that fall within the canal easement along the east side of the property.
3. The property owner shall record an easement for four additional feet of sidewalk width along Fort Union Boulevard in the future.
4. A final site plan shall be prepared in accordance with Section 17-3-3 E of the Zoning Ordinance and shall be reviewed and approved by the City Engineer, Fire Marshal and City Planner.

\* \* \*

Skyler Rohbock stated he is the representative for the applicant.

Mr. Judkins asked if they planned on occupying the space themselves.

Mr. Rohbock stated they are. They have a consulting business they will move into the space.

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

David Asvig, area resident, asked what the rezone means for other business types in the future of the property. Can it become a retail space?

Ms. Burns stated the zone allows limited commercial uses including offices and retail. Building footprints are limited and there are specific requirements for improvements. Any new buildings on the property would have to comply with all the standards the current building complies with.

Eric Hoffer, 378 E Kittridge Drive, shared his concerns that traffic in the area isn't safe.

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

carried.

Mr. Rohbock stated the office is a satellite office and will not generate much traffic.

Mr. Wallin stated there is a condition for recording an easement for additional sidewalk width in the future that may require additional conditions set by the City Engineer. This may increase the sidewalk to ten feet instead of the current six feet in the future.

**MOTION:**

Mr. Hanson moved that, *“Based on the proposal complying with the intent of the 7200 South Overlay and furthering the goals of the Midvale City General Plan 2016, I move that we forward a positive recommendation to the City Council to rezone the 0.35-acre parcel located at 475 East Fort Union Boulevard from SF-1 with a Duplex Overlay to Mixed Use.”*

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

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

Motion carried unanimously

Mr. Judkins moved that, *“Based on compliance with the requirements of the Mixed Use Zone and the 7200 South Overlay, I move that we approve the preliminary site plan for the JSR Services Office Building to be located at 475 East Fort Union Boulevard with the following conditions:*

- 1. This approval is contingent upon the City Council approving the rezone of the property to Mixed Use.*
- 2. The applicant shall obtain approval from Salt Lake City Public Utilities for any improvements that fall within the canal easement along the east side of the property.*
- 3. The property owner shall record an easement for four additional feet of sidewalk width along Fort Union Boulevard in the future.*
- 4. A final site plan shall be prepared in accordance with Section 17-3-3 E of Zoning Ordinance and shall be reviewed and approved by the City Engineer, Fire Marshal and City Planner.”*

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

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

Motion carried unanimously

**3. CUP-22-30-306-039; DEAN OCCUPIED ACCESSORY STRUCTURE; 115 EAST FORBUSH AVENUE; CONDITIONAL USE PERMIT FOR OCCUPIED ACCESSORY STRUCTURE; SINGLE FAMILY RESIDENTIAL (SF-1) ZONE; CHAD DEAN (APPLICANT)**

Mr. Hilderman presented that the applicant, Chad Dean, is requesting approval of a Conditional Use Permit in order to construct an occupied accessory structure on his property at 115 East Forbush Avenue. This property currently has an existing 1600 sq. ft. single-family residence and 360 sq. ft. detached accessory structure, owned and occupied by Mr. Dean. This property is zoned SF-1 and occupied accessory structures are allowed as a Conditional Use, provided the following specific conditional use criteria area satisfied:

- Proximity.
- Setbacks.
- Height.
- Stories.
- Building Area.

The overall size of the parcel of property is identified as being 45 ft. in width x 208 ft. in depth (9,360 sq. ft./0.215 acres), with the accessory structure located in the rear yard, 108 feet from the primary structure. The north, rear-yard setback and east, side-yard setback are identified as 10-feet and the west, side-yard setback identified as 11-feet. The structure is proposed to be single-story and the overall footprint is identified as 600 sq. ft. The habitable space of this structure includes a living room, dining/kitchen area, one bedroom, and one bathroom with washer/dryer attachments. This proposed plan complies with the specific conditional use criteria.

Staff believes the general conditional use permit criteria has been satisfied with this proposal as well. The structure associated with the use is compatible with other accessory structures in the neighborhood regarding scale and compliments the area with the use of architectural and material elements. This use is not anticipated to increase the traffic circulation or the utility capacity for this area. The front door is proposed to face towards the South and several windows are located along the East, West, and North

elevations and one, rear-entry door along the North elevation as well. These window and door openings are located a minimum of 10-feet from the identified property lines, an increase of 2-feet from the side yard setback required for a primary structure. There is an existing 6-foot vinyl fence along the North property line and 3-4-foot hog wire along the West and East property lines. If there are privacy concerns for the adjacent neighbors to the West and East, a 6-foot view-obscuring fence would mitigate this concern. One, additional, paved, off-street parking space is required for the accessory structure. The applicant has an existing two-car garage and driveway feature with sufficient space to provide parking for both the primary and accessory structures on the property.

Overall, the occupied accessory structure should not be detrimental to the public health, safety, and general welfare, provide the recommended conditions are satisfied.



## Staff Recommendation

Based on compliance with the Conditional Use Permit criteria and the above analysis, Staff would recommend that the Planning Commission approve the Conditional Use Permit for an occupied accessory structure to be located at 115 East Forbush Avenue with the following conditions:

1. The structure shall be constructed as shown on the attached building elevations and site plan.
2. A minimum six-foot view-obscuring fence shall be constructed and maintained around the back yard of the primary dwelling.
3. All requirements of the Building Department shall be satisfied through the Building Permit process.

\* \* \*

Mr. Hilderman added that the accessory dwelling can be rented out and if the property is sold the use will remain.

Mr. Liedtke stated a porch cannot be built at the backdoor without violating setback requirements. He asked what could be placed there.

Mr. Hilderman stated a landing can be built. The ordinance allows for this type of encroachment on the ten foot setbacks.

Mr. Hanson stated that added fencing should be a condition.

Chad Dean stated he is the applicant for the item. He stated he plans on adding a cedar fence around the property and covering the existing chain-link fence with cedar fencing.

Mr. Wallin stated that a double fence is not recommended.

The Commissioners discussed their concerns with the double fence. They suggested removing the chain-link fence.

Mr. Wallin asked if the garage is currently being used for parking.

Mr. Dean stated they are currently parking in the driveway but the garage can fit two cars.

Mr. Liedtke asked if the structure is going to be pre-fabricated and then delivered to the site.

Mr. Dean stated his father is a retired contractor and the project will likely be built on site.

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

Joyce Misdom, 123 E Forebush Avenue, stated the map used in the presentation shows the wrong property line. She stated she is concerned that the project will encroach on her property.

Mr. Hilderman stated the map is not official. The fence line likely follows the established property line.

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

The Commission discussed making a requirement to eliminate double fencing in the conditions. They have made similar requirements before, however, replacing an existing fence can cause a burden on neighbors who may have specific vegetation they are trying to cultivate on the fence. They determined that they can encourage the applicant make efforts to eliminate double fencing.

### **MOTION:**

Mr. Liedtke moved that, *“Based on the applicant’s compliance with the Conditional Use Permit criteria, I move to approve the Conditional Use Permit for an occupied accessory structure, to be located at 115 East Forbush Avenue, with the following conditions:*

- 1. The structure shall be constructed as shown on the attached building elevations and site plan.*
- 2. A minimum six-foot view-obscuring fence shall be constructed and maintained around the backyard of the primary dwelling, the applicant shall make his best effort to remove double fencing.*
- 3. All requirements of the Building Department shall be satisfied through the Building Permit process.”*

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

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

Motion carried unanimously

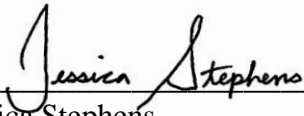
### **MINUTES**

#### **4. REVIEW AND APPROVE MINUTES OF JUNE 28<sup>TH</sup>, 2017**

Mr. Judkins moved to approve the minutes of June 28<sup>th</sup>, 2017 with amendments. Mr. Hanson seconded the motion. Motion carried.

**ADJOURN:**

Mr. Liedtke moved to adjourn at 8:22 PM.

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

Jessica Stephens  
CD Administrative Assistant