



MIDVALE

In the Middle of Everything

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Midvale City
PLANNING AND ZONING COMMISSION
Minutes

13th Day of January, 2016
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

COMMISSION CHAIR:

Richard Judkins

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

Kass Wallin

BOARD MEMBERS:

Allen Litster
Colleen Costello
Shane Liedtke
Don Slick

STAFF:

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

GENERAL SESSION

Chairman Judkins 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. Slick	Present
Mr. Liedtke	Present
Mr. Litster	Present
Mr. Wallin	Present
Mr. Judkins	Present
Ms. Costello	Excused

PUBLIC HEARING(S)

1. SPR/CUP-21-25-482-019; THE STATION AT MIDVALE; 7682-7696 SOUTH CENTER SQUARE AND 137 WEST PARK STREET; PRELIMINARY SUBDIVISION PLAT FOR TWO RESIDENTIAL UNITS AND COMMON AREA; TRANSIT ORIENTED DEVELOPMENT ZONE; KIRT PETERSON/HORIZON DEVELOPMENT (APPLICANT)

Ms. Burns presented on June 24, 2015, the Planning Commission approved a conditional use permit and preliminary site plan for The Station at Midvale project. Staff approved the Final Site Plan for the project on November 10, 2015. This project is located on the corner of Center Street, Center Square and Park Street. It includes 186 units in two buildings (one four stories; one five stories) with underground parking, surface parking, landscaping and recreation amenities. Curb, gutter and sidewalk improvements, including street trees and benches, along Center Square are part of the proposal, as well as bollard and curbing improvements at the north end of Center Square to close the road between Center Square and Park Street to vehicular traffic. This development proposal also included the review of a condominium (subdivision) plat which would allow each residential unit to be individually owned and the creation of a homeowners association to own and maintain all of the common areas inside the buildings as well as the property outside the buildings. The Planning Commission forwarded a recommendation to the City Council to approve this subdivision plat, and on November 10, 2015, the City Council approved the plat.

Due to some changes instigated by its financing partners, the Developer has submitted a revised condominium plat to replace the plat originally approved. Instead of providing for 186 individual residential units in two buildings and common area, the proposed revised plat provides for the individual ownership of each building (two units) and common area. The revised plat does not change the layout or unit configuration of the approved 186 unit residential project. The building footprints, landscaping, parking, recreation amenities, property management, etc. will remain as originally approved on the Final Site Plan and Conditional Use Permit. As part of this request, the developer has revised the Declaration that would be recorded with the condominium plat. This Declaration, as well as the common area on the plat, is intended to ensure the project functions as a whole with the individual ownership of each building and surrounding common area. Legal Staff is currently reviewing the Declaration document.

The proposed condominium plat reflects and is consistent with the approved Final Site Plan for the Station at Midvale Project. It provides for the individual ownership of each building

(Building A to include 102 residential units with underground parking, and Building B to include 84 residential units with underground parking) and common area (shared ownership) for the remainder of the property, i.e. landscape areas, recreation amenities and surface parking areas.

The proposed plat has been reviewed and approved by the City Engineer, and complies with the City's subdivision requirements.

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 requirements and consistency with the approved Final Site Plan for the Station at Midvale Project, Staff recommends that the Planning Commission forwards a positive recommendation to the City Council to approve the Preliminary Subdivision Plat for the Station at Midvale Condominiums with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.
2. The limited common area for balconies shown on Sheets 2-4 shall be added to Sheet 1.
3. The applicant shall prepare a declaration of covenants, conditions and restrictions, to ensure the project functions as a whole, and the common areas are appropriately maintained. This document shall be recorded concurrently with the subdivision plat.

Mr. Wallin asked if all of the conditions that were included in the original Conditional Use Permit will still apply to this project.

Ms. Burns explained that many of the original conditions have already been met, however ,all of the remaining conditions are still applicable.

Mr. Slick asked for some clarity in regards to the changes being made. He asked if the only change to consider is converting the project from 186 units down to 2 units.

Ms. Burns stated that is the only change to be made, and it is being made as a requirement of the applicant's lender.

Kirt Peterson, 1466 North Highway 89, Farmington, stated he is the applicant for this item. He emphasized that nothing in regards to the size, site plan, or design of this project is changing. The only change being made is to the subdivision of the units. The main lender for this project will not approve financing on an individual unit condo basis. In order to move forward with acquiring a loan, each building must be platted as one unit.

Mr. Judkins asked if the applicant will be required to repeat this process if they wish to sell each unit individually in the future rather than rent and maintain the entire property.

Mr. Peterson stated they would have to repeat this process. While it has always been their intent to rent out the units and manage the property, they also wanted to have the option to sell off individual units in the very distant future. In his experience, it is very difficult to re-plot a property such as this in order to subdivide the units after an extended period of time because rules and standards change for doing so.

Mr. Litster asked what the target demographic for renters will be.

Mr. Peterson stated they will have leasing standards aimed at targeting a demographic with personal references and a clean criminal history. A portion of the project will be rented out at a market rate and another portion of the project will be designated toward affordable housing. Each unit will range somewhere between 1 to 4 bedroom units with rent being set at approximately \$290-\$1300 a month.

Mr. Litster asked if the applicant has ever built, rented, and managed other buildings then proceeded with selling each unit at later time.

Mr. Peterson replied that at some point they will sell them. Every piece of developed property is sold at one time or another. However, out of all of the apartment complexes they have developed since 2003, not a single one has been sold. It is their desire to build and hold rather than build and sell.

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

There were no questions or comments from the public.

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

Mr. Litster stated this project may not be what Midvale City or the Planning and Zoning Commission had hoped to see go in this location, however, the applicant has done a satisfactory job of reaching out to the community in order to try and prevent as many negative impacts as possible on the surrounding home owners. It is a matter of public record that the management staff of this facility will be on-site. Knowing this offers added assurance that this development will be properly and efficiently maintained.

Mr. Wallin asked if there needs to be an addition to condition three that requires this change to receive approval from the legal counsel of Midvale City.

Ms. Burns stated that would be an acceptable addition to the motion.

There was no further discussion regarding this item.

MOTION:

Mr. Wallin moved that, *“Based on compliance with the City’s subdivision requirements and consistency with the approved Final Site Plan for the Station at Midvale Project, I move that we forward a positive recommendation to the City Council to approve the Preliminary*

Subdivision Plat for the Station at Midvale Condominiums with the following conditions:

1. *The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.*
2. *The limited common area for balconies shown on Sheets 2-4 shall be added to Sheet 1.*
3. *The applicant shall prepare a declaration of covenants, conditions and restrictions, to ensure the project functions as a whole, and the common areas are appropriately maintained. This document shall be approved by Midvale City's legal counsel and the Midvale City Council, and it shall be recorded concurrently with the subdivision plat."*

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

Mr. Slick Yes
Mr. Liedtke Yes
Mr. Wallin Yes
Mr. Litster Yes

Motion carried unanimously.

**2. CUP-21-25-127-015; ROYAL TINTING; 7174 SOUTH 400 WEST #6;
CONDITIONAL USE PERMIT FOR VEHICLE RELATED USE; CLEAN
INDUSTRIAL ZONE; NATE WELKER (APPLICANT)**

Mr. Hilderman presented that Royal Tinting, Inc. represented by Nate Welker, is requesting a Conditional Use Permit in order to operate a vehicle related use at 7174 South 400 West, #6 within the Clean Industrial (CI) Zone. The vehicle related use includes the application of vinyl materials on vehicles such as window tinting, clear paint protection, vehicle signs, pin striping, etc. Royal Tinting sells and installs their product on-site and provides a mobile service to customers, as well. This business also includes the sale and installation of window tinting for commercial businesses and residential properties. The operation will include two employees and is proposing to operate Tuesday through Saturday from 9:00 a.m. to 5:00 p.m., with Sunday and Monday proposed to be by appointment only. The application of the vinyl product can be comparable to a large sticker being applied using dish soap and rubber squeegees. All on-site vehicle work will occur inside the shop area, which can accommodate four to five vehicles at any one time. Most vehicles are picked up within a few hours of the work being completed and the applicant anticipates servicing, at the most, ten vehicles per day.

This business will occupy one of six tenant spaces located in a new office/warehouse building along 400 West. The proposed tenant space includes approximately 2,980 square feet; 680 square feet dedicated to reception/office space, break room, and lavatories; and 2,300 square feet of shop/warehousing space. This development has a total of 44 parking spaces; whereupon each tenant space were allocated approximately 7.5 parking spaces; leaving 2 additional stalls as shared parking space. This specific tenant space has 2 parking stalls adjacent to the entrance door and 5 to 6 stalls across the driveway aisle, adjacent to

the South property line.

This proposal is located within the Clean Industrial (CI) zone, which requires a Conditional Use Permit for a vehicle-related 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 §17-7-13.7;
9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses; and
10. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses.

In reviewing this application and the above criteria, it appears a vehicle related use will not be detrimental to surrounding uses and future proposed tenants, provided the parking requirements and remaining tenant spaces can be reviewed and determined to be in compliance. Based on the size and type of use, six parking spaces are required, as well as sufficient parking for vehicles waiting to be picked up or serviced. All improvements exist, with sufficient utility capacity and emergency vehicle access. As part of the business license review, all Building and Fire Code requirements shall be addressed and satisfied. There are also no proposed hazardous chemicals utilized with this use that will require special disposal. Staff does not anticipate any additional impacts being created by this proposed use, provided the business is operated in accordance with this proposal.

STAFF RECOMMENDATION:

Based on the proposal's compliance with the Conditional Use Permit criteria and the above analysis, Staff would recommend that the Planning Commission approve the Conditional Use Permit for Royal Tinting, Inc. to be located at 7174 South 400 West, Unit #6 with the following conditions:

1. All on-site work shall occur inside the shop area of the tenant space.
2. All vehicles related to the business shall be parked in designated parking stalls at all times. The applicant shall ensure that the scheduling of on-site vehicle work is done in such a manner as to not exceed the available parking.
3. Any vehicles remaining at the business overnight shall be stored inside the shop area.
4. Vehicle repair is not included as part of this approval.

5. The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.
6. All signage shall comply with sign requirements for the Clean Industrial Zone and sign permits obtained before any signage is installed.

Nate Welker, 9144 South Mountain Laurel Lane, West Jordan, stated he is the applicant. He explained he is the owner of Royal Tinting and that his business is currently located in Midvale City, however, they are moving to this new location because it is a newer building with more office space.

Mr. Litster asked if this business requires storing or handling of hazardous materials.

Mr. Welker replied they only do window tinting which does not involve handling or storing hazardous materials.

Mr. Wallin asked if the applicant is comfortable with the conditions that have been proposed by staff.

Mr. Welker stated he is comfortable with all of the conditions.

Mr. Litster asked if any vehicles will be stored at this business overnight.

Mr. Welker stated they will most likely store 1 to 5 cars overnight on a regular basis.

Mr. Litster asked if there is enough space to store that many cars inside the warehouse.

Mr. Welker replied they have enough space to store 8 cars inside their warehouse.

There were no further questions for the applicant.

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

There were no questions or comments from the public.

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

There was no further discussion regarding this item.

MOTION:

Mr. Litster moved that, *“Based on the proposal’s compliance with the Conditional Use Permit, I move to approve the Conditional Use Permit for Royal Tinting, Inc. to be located at 7174 South 400 West, Unit #6 with the following conditions:*

1. *All on-site work shall occur inside the shop area of the tenant space.*

2. *All vehicles related to the business shall be parked in designated parking stalls at all times. The applicant shall ensure that the scheduling of on-site vehicle work is done in such a manner as to not exceed the available parking.*
3. *Any vehicles remaining at the business overnight shall be stored inside the shop area.*
4. *Vehicle repair is not included as part of this approval.*
5. *The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.*
6. *All signage shall comply with sign requirements for the Clean Industrial Zone and sign permits obtained before any signage is installed.”*

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

Mr. Wallin Yes
 Mr. Litster Yes
 Mr. Slick Yes
 Mr. Liedtke Yes

Motion carried unanimously.

3. CUP-21-25-454-014; PARKER DUPLEX; 158 WEST CENTER STREET; CONDITIONAL USE PERMIT FOR TWO UNIT RESIDENTIAL STRUCTURE (DUPLEX); SINGLE FAMILY RESIDENTIAL ZONE (SF-1)/DUPLEX OVERLAY; DAVE WEBSTER (APPLICANT)

Mr. Hilderman presented that the applicant, Dave Webster, is requesting a Conditional Use Permit in order to legally convert an existing one-story, single-family dwelling at 158 West Center Street, into a two-unit residential structure (duplex). The main floor of the home would be identified as one-unit and the basement floor would be identified as the second-unit. This property is zoned SF-1 with a Duplex Overlay, whereupon the Duplex Overlay allows duplexes as a conditional use, provided the general conditional use criteria are satisfied. This applicable criterion includes the following:

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.

Based upon this development being proposed in this location, this project must comply with the Neighborhood Compatibility requirements of the SF-1 zone district to ensure the structure is architecturally compatible with respect to height, mass, and exterior materials of other homes along this block. Development along this block is predominately single-story, single-family houses with detached garages, front porches, and brick exteriors. Since this project does not propose any exterior alterations, no changes to the outside of the structure would be required; however any future exterior changes will be required to comply with the neighborhood compatibility requirement.

The applicant will need to work with the Building Official to address any Building Code issues regarding the interior of the structure. This can be accomplished through the required Building Permit to remodel the structures inside. This proposed use is consistent with the General Plan and the requirements of the SF-1/Duplex Overlay zone. There is sufficient utility capacity and street capacity and the emergency vehicle access has been determined to be sufficient from Center Street. Water and sewer is/will be provided by Midvale City. There is also an existing curb, gutter, 18-foot park strip, and sidewalk along the lot frontage, adjacent to Center Street. The applicant has proposed adequate off-street parking with a one-car garage and individual stall for one unit and two, individual stalls for the second unit. There are existing fences along the sides and rear property lines however; these appear to be between 3-4-foot in height. Staff would recommend that a six-foot high screening fence be constructed from the front setback line back along the side property lines and along the back property line to ensure privacy for adjacent property owners.

With the recommended conditions, it does not appear that this use will be detrimental to the public health, safety, and welfare.

STAFF RECOMMENDATION:

Based on the proposal's compliance with the Conditional Use Permit criteria and the above analysis, Staff would recommend that the Planning Commission approve the Conditional Use Permit for Parker Duplex to be located at 158 West Center Street with the following conditions:

1. A six-foot high screening fence shall be constructed from the front setback line back along the side property lines and along the back property line in conformance with Midvale City's fencing requirements.
2. The applicant shall obtain a Building Permit prior to any interior remodel work on the structure and shall comply with all requirements of the Building Official and Fire Marshall.

Dave Webster, 11263 South Tippecanoe Way, South Jordan, stated he is the applicant. He added that the existing driveway will be widened on the west side of the driveway.

Mr. Wallin asked if widening the driveway will make it possible for a second car to pass a car that is already parked on the driveway.

Mr. Webster replied it will be possible for two cars to pass each other along the front and rear of the driveway. The mid-section of the driveway will not be wide enough to fit two cars. He added that the roof of the existing home is all bar-tiled and it needs to be replaced. They will take the existing roof off, re-sheet it, and install new 30 year architectural shingles. It is their intent to completely renovate that home on the interior as well as the exterior.

Mr. Slick asked Mr. Webster if he will occupy the existing home.

Mr. Webster explained he is the contractor for this project. He will not occupy the home and the owner intends to rent out both units on this site. He went on to provide the Planning Commissioners with further details regarding the interior configuration of the home and layout function.

There were no further questions for the applicant.

Mr. Wallin 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. Mr. Litster seconded the motion. Motion carried.

There was no further discussion regarding this item.

MOTION:

Mr. Liedtke moved that, *“Based on the proposal’s compliance with the Conditional Use Permit criteria, I move to approve the Conditional Use Permit for Parker Duplex to be located at 158 West Center Street with the following conditions:*

- 1. A six-foot high screening fence shall be constructed from the front setback line back along the side property lines and along the back property line in conformance with Midvale City’s fencing requirements.*
- 2. The applicant shall obtain a Building Permit prior to any interior remodel work on the structure and shall comply with all requirements of the Building Official and Fire Marshall.”*

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

Mr. Liedtke	Yes
Mr. Wallin	Yes
Mr. Litster	Yes
Mr. Slick	Yes

Motion carried unanimously.

4. SSMP/CUP-21-23-476-005; PARDOE ASSISTED LIVING FACILITY; 6968 SOUTH 700 WEST; SMALL SCALE MASTER PLAN AND CONDITIONAL USE PERMIT FOR RESIDENTIAL ASSISTED LIVING FACILITY; BINGHAM JUNCTION ZONE/RIVERWALK OVERLAY; BRIAN CARLISLE (APPLICANT)

Mr. Hilderman presented that the applicant, Brian Carlisle, is proposing an assisted living facility to be located within the LSMP known as The Bingham Junction Master Plan under the Small Scale Master Plan (SSMP) provision. This is part of the Riverwalk Overlay and is included in Subarea 1 of the Bingham Junction Master Plan. This development will have public road frontages on two sides; the east and south. An assisted living use is a conditional use in Subarea 1 of the Bingham Junction/Riverwalk Overlay Zone. This assisted living use is being proposed on the approved Riverwalk at Bingham Junction subdivision plat, known as Lot 5 (1.00 acres) and provides access from 700 West. The proposed structure is two-stories and includes 45 residential rooms, administration space, support areas, and common spaces. An outdoor patio/dining area is proposed along the West Elevation, adjacent to the indoor dining/lobby area. The structure's main entrance is located interior to the site along the East Elevation and includes a portico from the parking lot to the entrance of the building. The proposed parking associated with the assisted living use includes 29 on-site parking spaces. A copy of the proposed site plan and building elevations is attached.

This SSMP proposal is consistent with the existing LSMP for The Bingham Junction Master Plan as far as the development layout is concerned. The City Engineer has reviewed the construction plans for the project, and has approved the plans subject to some minimal changes and additional information. The plans were also approved by the Site Plan Coordinator with no additional changes or information. The plans were distributed to the Fire Marshall but no comments have been received. All comments received from the City Engineer and Fire Marshall shall be satisfied before final site plan approval and building permits can be issued.

SMALL SCALE MASTER PLAN:

In reviewing the proposed site plan and building elevations with regard to the required development standards, landscaping standards, and architectural standards, Staff provides the following analysis and comments for the Planning Commission's consideration and discussion. Some items will require specific approval from the Planning Commission body.

DEVELOPMENT STANDARDS

- The maximum height in this zone is 95-feet when located more than 200-feet from a single-family residential structure. This proposal is a two-story structure, estimated to be a maximum of 34'3", and is located outside of the 200-foot proximity from a single-family residence.

LANDSCAPING STANDARDS

- The ordinance requires a minimum of 13% of the area to be developed as landscaped setbacks, courtyards, plazas, open space or walkways. This proposal has provided a

total of 31.4% of landscaping/pervious area, including a 5-foot sidewalk from 700 West that provides access into the interior of the project.

- The ordinance requires a landscaped setback of 20-feet from the edge of the public right-of-way and shall be landscaped in accordance with the Riverwalk at Bingham Junction design guidelines. This proposal has provided a combination of, ‘Redspire Pear’ deciduous trees and ‘Dwarf Austrian Pine’ street trees. The street trees along 700 West need to be either ‘Hedge Maple’; ‘Goldenrain Tree’; or ‘Flowering Plum’ and planted at 30-foot intervals and along Riverwalk Drive need to be either ‘London Plane Tree’ or ‘Washington Hawthorn’ and planted at the appropriate intervals.
- Building foundation landscaping has been provided around the entire proposed structure.
- A minimum 30-foot landscaped buffer is required to provide screening, buffering, and separation of uses between residential and commercial/industrial uses. Since this proposed project is identified as a commercial use, the 30-foot landscaped buffer would be required along the North and West property boundaries, separating the approved multi-family project known as Canyon Crossing at Riverwalk Apartments. The applicant has proposed to install a 6-foot masonry fence along the North and West property boundaries and has proposed a landscaped buffer between 5’- 11’ along the North property line and a landscaped buffer between 20’ – 21’ along the West property line. Both of these landscaped buffers are adjacent to existing carports and parking stalls for the adjacent development. The applicant also provided a letter from the Executive Director for the Utah Center for Neighborhood Stabilization and in cooperation with the Canyon Crossing at Riverwalk project; they have provided support for the reduction of the landscaped buffers, as currently proposed. This request will need to be discussed and a determination made by the Planning Commission.
- The ordinance requires at least 25% of all trees and shrubs are of evergreen variety. There appears to be some evergreen trees and shrubs proposed however this calculation will need to be included on the landscaping plan to determine compliance.

ARCHITECTURAL STANDARDS

- The structure is required to have no more than three materials for primary wall surfaces and a use of cohesive colors that complement nearby buildings. The proposal includes the use of cultured stone around the base of the structure, cement fiber panels and trim, and exterior windows. The colors are also of earth-tone colors similar to the approved development standards and are complimentary to the surrounding developments
- The proposed roof form is sloped with differing elevation shifts that breaks up the roof line and is consistent with the design and structure of the proposed building.
- Regarding form variations, i.e. devices which result in significant dimensional changes in plane, color or detail, the ordinance requires street-facing faces to use at least two of the form variations listed in the ordinance and at least one form be used on other facades (Section 17-7-9.12.2.7.F.3). Some elements proposed with this assisted living use include off-sets and shifts in the general planes of the facades; changes in materials and color, and a recessed main entrance with a covered entrance feature. All other facades include a combination of off-sets and shifts to the general plane of the façade and changes in materials and colors.
- The ordinance requires each building have a clearly defined, highly visible entry for

customers. This proposal includes a portico at the main entrance on the east side of the building. This portico includes columns and architectural details similar to the proposed structure.

- The ordinance requires entry doors be inset by at least three feet or arcades provided at all customer entrances. The main entrance doors are recessed from the façade of the building and provides a canopy element however the entry doors along the East and North elevations, adjacent to the pedestrian walkways, appears not to be recessed or provide some type of weather protection. The applicant will need to include this minimal change on the proposed elevation plans.
- Trash collection areas are required to be screened from all visible public views. The applicant has proposed to install a 6-foot CMU trash enclosure with metal screening gates in the NE corner of the property. Additional information will be required on the exterior finish of this proposed structure; i.e. exterior material and colors. The applicant will also need to identify any proposed AC units or additional mechanical equipment and how these features will be screened appropriately.

PARKING STANDARDS

- The required parking for an assisted living use is one space/two bedrooms plus one per employee/shift. Based on these calculations, the minimum amount of parking required for this use is 28 stalls. The applicant has proposed to provide a total of 29 parking spaces, thus complying with the parking requirements.
- The pedestrian crosswalk along 700 West shall be differentiated by the use of pavers, stamped concrete or stamped asphalt to include the following pattern and color: Ashlar-Dark Gray CC230/04 – color-crete or equivalent.
- The ordinance requires a submittal of an outdoor lighting plan that indicates the proposed locations, illumination devices, and photometric data. Staff has determined the parking lot light plan does not comply with the ordinance and additional information will also need to be provided concerning this requirement. The applicant will need to further review the photometric proposal and propose the appropriate uniformity ratio and submittal of additional information.

CONDITIONAL USE PERMIT:

In order to approve a Conditional Use Permit for an assisted living use, the following applicable criteria must be determined:

1. The application complies with all applicable provisions of this title, 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 general plan, as amended;
5. Traffic conditions are not adversely affected 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 Section 17-7-3.7;
9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
10. Compatibility of the proposed mass, bulk, design, orientation, and location of the structures on the site; including compatibility with buildings on adjoining lots and to the street;
11. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses; and
12. Within and adjoining the site, impacts on the aquifer, slope retention, flood potential have been fully mitigated and the proposed structure is appropriate to the topography of the site.

Provided all of the Small Scale Master Plan/Site Plan requirements are satisfied, Staff does not see any issues or additional mitigation measures needed for an assisted living use at this location. It does not appear this use will be detrimental to existing or future surrounding uses. The applicant will need to address the following details on the final site plan to ensure compliance with the Riverwalk Overlay zoning requirements. These items will not affect the overall development layout.

1. The street trees along 700 West and Riverwalk Drive shall be of the appropriate species and planted at appropriate intervals.
2. A minimum of 25% of the trees and shrubs shall be of evergreen variety.
3. The entry doors along the East and North elevations shall provide some type of weather protection or inset a minimum of 3-feet.
4. Additional information; such as materials, colors, etc., shall be provided concerning the trash enclosure.
5. The applicant shall identify any proposed AC units or additional mechanical equipment and address how these features will be screened appropriately.
6. The pedestrian crosswalk along 700 West shall be differentiated to include stamped, colored concrete or asphalt walkway similar to the surrounding developments in this area.
7. A revised exterior lighting plan, for the parking areas, that complies with the Zoning Ordinance shall be submitted.
8. An irrigation/planting plan that complies with the Zoning Ordinance shall be submitted.
9. A grading plan that complies with the Zoning Ordinance shall be submitted.

STAFF RECOMMENDATION:

The Planning Commission will need to specifically discuss and decide whether the 30-foot landscaped buffer along the North and West property boundaries may be reduced based upon installation of a screening wall and support from the adjacent property owner or if the buffer-zone shall remain.

Otherwise, Staff believes this project complies with the Large Scale Master Plan for this area and all of the Bingham Junction Zone and Riverwalk Overlay development standards,

provided the details above are addressed with the final site plan.

Bryan Carlisle with Richardson Design Partnership, 1407 East 1700 South, Salt Lake City, stated he is the architect for this project. He addressed some of the concerns presented by Mr. Hilderman and provided details of how they intend to alleviate various issues provided by staff.

Mr. Judkins asked Mr. Carlisle if he had ever looked at designing the layout of this site using the appropriate setbacks.

Mr. Carlisle explained they designed a few different layouts for this site, however, there were a lot of issues with the parking lot. UDOT requires the parking to be where it is currently located which made it difficult to ensure the building is feasibly large enough for this facility to be successful. They felt this was the best layout for the site if at all permissible.

Mr. Litster stated he has never been in favor of granting a variance simply because it is the most convenient option for the applicant. There needs to be a valid reason that justifies the requested reduction in setback requirements.

Mr. Carlisle countered that the location where the thirty foot setbacks are required happens to be directly adjacent to a parking lot. It is their hope that a variance can be granted when considering the fact that nothing will be brought closer to any residential dwellings. They are only bringing things closer to an existing parking lot.

Mr. Litster stated he can understand that fact; however, it's always easier, as the property owner, who does not live there, to say they don't have an issue with reducing this setback even though it may negatively affect the residents. It is the responsibility of the Commission to take those people into consideration as well.

Mr. Carlisle replied they thought a request for a variance seemed feasible when there is only a parking area that may be impacted by a reduction in setbacks.

Mr. Wallin asked what other types of configurations were considered for this building.

Mr. Carlisle explained they had considered rotating the building in such a way that the entrance would be located on the south side. Doing this would have reduced the number of units in the building because the parking lot would need to take up more space.

Mr. Wallin commented that he does like the fact that the entrance is currently located off of 700 West instead of trying to use shared access onto River Gate Drive. That particular section of River Gate Drive is already congested in the morning because it happens to be the same location that the school bus picks up elementary school children. Adding even more traffic to that spot would be a bad idea.

Mr. Liedtke asked if the applicant knows the distance from the edge of the carports on the adjacent property to the new building proposed for this site.

Mr. Carlisle stated he isn't sure what the exact distance is, however, he estimates it to be about eighteen to twenty-two feet.

Mr. Wallin asked if the applicant has read through the other conditions or if there are any questions or comments regarding the conditions.

Mr. Carlisle replied he does not have any questions. Providing any further information and meeting all the standards required by Midvale City will not be an issue.

Mr. Wallin asked how the dumpster near the entrance will be screened.

Mr. Carlisle explained the dumpster will be screened with some kind of masonry wall.

Mr. Litster asked what the maximum number of people living at this facility might be.

Mr. Carlisle stated there will be 45 units and each unit is generally single-occupied. Occasionally, if there is a couple who would like to live together, they must get approval to do so from the Health Department. There would probably never be more than 50 people living in this facility at one time.

Mr. Liedtke asked how many employees will work at this facility.

Mr. Carlisle responded there will typically be around 5 employees working on-site at all times.

Jeff Bernson, 1898 East Ashley Valley Lane, Sandy, stated he is working with the owner of this particular parcel and he has had the opportunity to be involved with this property since 2004. The total 134 acres that was developed was for a client of his who actually ended up subdividing all of the parcels. This means they have had many years to try and find possible options for developing this site. The options are limited and they have basically been left with two choices. They can either put storage units on this site or they can try and put this assisted living facility. He felt an assisted living facility would be the best long-term option for Midvale City. He understands that an assisted living facility is a commercial use however it is important to consider the fact that it is very residential in its' functional nature. This facility will be a level 2 assisted living facility which means none of the residents of this facility will have a car. All parking spaces will be designated for employees and visitors.

There were no further questions for the applicant.

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

There were no questions or comments from the public.

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

The Commissioners discussed their level of comfort in granting a variance for this item and the general consensus was to move forward with doing so.

Mr. Litster stated he is comfortable with granting a variance as requested by the applicant,

however, it would be in the best interest of Midvale City to draft some findings that offer reasoning behind the Commissions' choice to make an exception.

Mr. Litster moved to take a recess in order to provide staff with enough time to draft an appropriate list of findings.

Mr. Judkins reconvened the meeting and continued further discussion with the applicant. He noted the conditions currently require a masonry wall to be built around the site however there is currently an existing vinyl fence on-site. He asked the Commissioners if they would be comfortable with allowing the applicant to keep the existing vinyl fence.

Mr. Litster explained to the applicant that installing a masonry wall next to the existing vinyl fence would not be acceptable. He asked the applicant if he had any suggestions to ensure double fencing does not occur.

Mr. Carlisle replied that it is his understanding that the masonry wall is a requirement. The only reason why they proposed adding a masonry wall was to comply with the requirements of having a smaller setback. They will be in contact with the adjacent property owner. If the Planning Commission would like them to retain the existing vinyl fence then they would be comfortable with that. If it is preferable to replace the vinyl fence with a masonry wall then they will work with the adjacent property owner in making sure they can do that.

Mr. Judkins asked if the ordinance requires a masonry wall in this Commercial Zone.

Mr. Hilderman explained the ordinance requires a fully site-obscuring fence. Such a fence shall be 6 feet in height and may be made of wood, metal, brick, masonry, or other permanent materials.

Mr. Judkins stated that if the ordinance does not require a masonry wall then the choice of leaving the existing vinyl fence should be left up to the property owners.

Mr. Litster suggested the motion be changed to make it clear that the applicant must work with both adjacent property owners as well as City staff in order to determine which fencing material would be best for this site.

Mr. Wallin added as a side-note that he would prefer to see a masonry wall as opposed to the existing vinyl fence. He understands that it is more expensive, however, it is his opinion that it would give the site a professional look. The ideal situation would be getting approval from the other property owners to remove the existing vinyl fence and replace it with a masonry wall.

Mr. Litster stated he agrees with Mr. Wallin and that he feels confident City Staff will keep the intentions of the Planning Commission in mind when working with the applicant on this matter.

Mr. Wallin also brought up the need for a three foot covering over the east side door. He doesn't feel it is necessary for the other entrance and the motion should reflect that it is only needed for the east entrance.

Mr. Liedtke concurred with Mr. Wallin.

There was no further discussion.

MOTION:

Motion 1 – Findings

Mr. Litster, “*I move that the Commission adopt the following findings in relationship to this project:*

1. *The subject project is immediately adjacent to parking spaces rather than residential structures.*
2. *The proposed assisted living facility is more residential in nature than a typical commercial use i.e. traffic and noise impacts are expected to be minimal.*
3. *There is additional landscaping between the property line and the property spaces on the adjacent property to the north as well as a six foot screening fence or wall.*
4. *The Commission has reviewed a letter of positive support for the reduction in the buffered zone from the owner of the adjacent property.”*

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

Mr. Slick	Yes
Mr. Liedtke	Yes
Mr. Wallin	Yes
Mr. Litster	Yes

Motion carried unanimously.

Motion 2- Small Scale Master Plan and Conditional Use Permit

Mr. Liedtke moved that, “*Based on the above approved findings and compliance with the Large Scale Master Plan and the Bingham Junction and Riverwalk Overlay development standards, I move that we approve the Small Scale Master Plan and Conditional Use Permit for the Riverwalk Senior Housing to be located at 6968 South 700 West with the following conditions:*

1. *The 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 Marshall, and City Planner.*
2. *The final site plan shall address the following items:*
 - *The street trees along 700 West and Riverwalk Drive shall be of the appropriate species and planted at appropriate intervals.*
 - *A minimum of 25% of the trees and shrubs shall be of evergreen variety.*
 - *The entry doors along the East elevation shall provide weather protection or inset a minimum of 3-feet.*
 - *Details on the trash enclosure and mechanical equipment enclosure shall be provided.*
 - *Details shall include the proposed exterior materials, colors, and dimensions. The*

- materials and colors of these enclosures shall be compatible with the building, and include screening gates.*
- *AC units or additional mechanical equipment shall be identified and the applicant shall illustrate how they will be screened appropriately.*
 - *The pedestrian crosswalk along 700 West shall be differentiated to include stamped, colored concrete or asphalt walkway similar to the surrounding developments in this area.*
 - *The exterior lighting and photometric plan shall be revised to comply with Section 17-7- 9.6 F of the Zoning Ordinance.*
 - *An irrigation/planting plan, complying with Section 17-7-9.5 C of the Zoning Ordinance shall be submitted.*
 - *A grading plan, complying with Section 17-7-9.5 C of the Zoning Ordinance shall be submitted.*
3. *All requirements of the Building Official, Fire Marshall, and the City Engineer shall be satisfied.*
 4. *All signage shall be reviewed under the applicable sign requirements and approved through the sign permit process.*
 5. *That the owner shall work with the adjacent owner and the City Planner to determine the appropriate fence solution and whether it should be maintaining the existing fence or to demolish the existing fence and replace it with a masonry wall.”*

Mr. Litster moved to amend the motion by adding “*Based on the above approved findings*” to the opening statement of the motion.

Mr. Liedtke seconded the amendment to the motion.

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

Mr. Slick	Yes
Mr. Liedtke	Yes
Mr. Wallin	Yes
Mr. Litster	Yes

Motion carried unanimously.

ACTION ITEM(S)

5. **SPR/CUP-21-25-153-002; BABCOCK MIDVALE SELF STORAGE PHASE TWO; 621 WEST NINTH AVENUE; CONDITIONAL USE PERMIT AND PRELIMINARY SITE PLAN FOR SELF-SERVICE STORAGE FACILITY; CLEAN INDUSTRIAL ZONE; JAMES JOHANSEN AND NICHOLS NAYLOR ARCHITECTURE (APPLICANTS) (TABLED FROM 11-18-15)**

Ms. Burns presented that on November 18, 2015, the Planning Commission reviewed the proposed Babcock Midvale Self Storage Facility to be located at the southeast corner of 700 West and Ninth Avenue. At this meeting, the Planning Commission approved a conditional

use permit and preliminary site plan (with conditions) for Phase One of the project and tabled a decision on the Phase Two area. The tabling was intended to provide the applicant an opportunity to address the ordinance issues and resubmit a plan for further review. The applicant has submitted a revised plan for the Phase Two area. This proposal includes the addition of two exterior access storage buildings (one that is 900 square feet and one that is 3,720 square feet, both ten feet in height), a defined driveway off of Ninth Avenue, a 30 foot landscaped setback along Ninth Avenue, a perimeter wall and decorative gate to enclose the storage unit area, and parking. The existing building would be converted and used for additional storage unit space.

Staff has reviewed this Phase Two area under the development/conditional use standards for an exterior access storage unit facility. The specific standards include:

- Facility must have a prominent office building component as viewed from the public road. Phase One of this project includes this component.
- Storage unit buildings shall be single story with a maximum height of ten feet when located on the property perimeter, or 25 feet if located interior to the site. The two new buildings being proposed along the Ninth Avenue frontage are ten feet in height. The existing building is 24 feet in height with no changes being proposed to the exterior, with the exception of exterior painting to match the rest of the project. Staff views this building as an existing condition of the site that can remain since no significant changes are being made.
- Buildings and drive aisles shall be designed to accommodate emergency vehicle access into the site. The proposed plan includes a 60 foot hammerhead turn around near the west end and a 25 foot wide driveway into the site off of Ninth Avenue. The Fire Marshal has found this to be acceptable for emergency access, provided the decorative gate is redesigned to ensure the required clearance for emergency vehicles between the proposed columns.
- An eight foot decorative masonry wall shall be constructed along the storage area perimeter. This wall may be increased to ten feet if found appropriate by the Planning Commission. The applicant has proposed eight foot perimeter wall sections adjacent to the two new storage unit buildings, as well as between the Phase One building and the existing building. The remainder of the perimeter of the storage unit area is enclosed by the storage building walls, including the existing building. For consistency, Staff would recommend that the eight foot wall section between the two new buildings be increased to ten feet.
- Decorative gates, providing for adequate vehicle stacking, are required across the access drive into the storage unit area. The applicant has proposed stone columns and decorative iron gates as shown on the plan. There is approximately 120 feet of stacking room for vehicles coming into the site. This exceeds the minimum two vehicles with trailers length required. The applicant will need to work with the Fire Marshal to ensure the driveway widths between the columns can accommodate emergency vehicles.
- Adequate parking is required. The parking for the office building was addressed in Phase One. The applicant is proposing 12 interior parking spaces and 12

parking spaces outside the gate area in Phase Two. Staff feels this provides sufficient parking for the overall project.

- Landscaping is required in areas and locations that benefit the community, including a minimum 30 foot landscape setback from the public right-of-way. The plan includes a 30 foot landscaped setback along Ninth Avenue, as well as landscaping along the access drive into the site and behind the existing building. The applicant will need to submit a landscape plan with the required street trees and other plantings, as well as an irrigation plan, as part of a final site plan. This plan will need to include a minimum five foot perimeter landscape area along the south side of the parking area located outside the entry gate.
- Appropriate lighting for security is required. The applicant will need to submit a security lighting plan for the interior storage unit area and a parking lot lighting plan that complies with the City's parking lot lighting standards for the parking area outside the gate.

The City Engineer and Fire Marshal have reviewed the revised Phase Two plan. They are comfortable with the proposed development layout, but will need to review and approve civil drawings and utility plans. The Fire Marshal will also require some slight modifications to the decorative gate to ensure adequate driveway width for emergency vehicles is being provided. The applicant has provided a location for a trash enclosure near the east side of the Phase One storage unit building. A detail for this enclosure will need to be included on the final site plan. Operational requirements for this Phase Two area will be the same as what was approved for Phase One.

STAFF RECOMMENDATION:

Provided the Planning Commission is comfortable with Staff's interpretation that the existing building can remain, and is comfortable with the amount of parking being proposed, Staff recommends that this Phase Two area be incorporated into the approved Conditional Use Permit and Preliminary Site Plan for Phase One with the conditions listed in the recommended motion below. If the Planning Commission is not comfortable with any of these items, Staff recommends that the Planning Commission table a decision on the request, giving the applicant time to address the Planning Commission's specific concerns.

Russel Naylor, 10459 South 300 West, South Jordan stated he is the applicant for this item. He confirmed that he has no issues with the conditions that have been presented to him, and he gave a detailed overview of the changes he has made to the design of this project since the last time it was presented the Planning and Zoning Commission.

Mr. Slick asked if the applicant feels confident that one garbage structure is sufficient for servicing the entire site.

Mr. Naylor stated he feels one garbage structure is enough for this type of use. People who rent a storage unit don't generally throw anything away. They tend to throw things away before or after moving things in and out of the storage unit.

Ms. Burns added that if more dumping space is made available, then it will get utilized.

Providing one dumpster prevents people from choosing to dispose of items as they move things out of their storage unit because there isn't enough space to dispose of their items.

Mr. Litster asked if the interior of this facility will be multi-level.

Mr. Naylor stated he does not anticipate it will be multi-level.
There were no further questions for the applicant.

MOTION:

Mr. Wallin moved that, *“Based on compliance with the conditional use criteria for exterior access storage units and the development standards for the CI Zone district, I move that we incorporate the Phase Two area of the Babcock Midvale Self Storage project in the Conditional Use Permit and Preliminary Site Plan approval for Phase One of the project with the following conditions:*

1. *Phase Two cannot be developed independently of the Phase One area; all conditions of the Phase One approval remain valid.*
2. *The applicant shall prepare civil drawings and utility plans to be reviewed and approved by the City Engineer and Fire Marshal.*
3. *Exterior building colors shall be earth tones and match those colors of Phase One. The existing building shall be painted to match the new buildings.*
4. *A landscape plan and irrigation plan shall be submitted for all areas outside the storage area perimeter. These plans shall comply with the City's landscape and irrigation standards. A minimum five foot wide perimeter landscape area shall be added to the south side of the parking area outside the access gate.*
5. *The decorative access gate shall be designed with appropriate driveway widths between the columns to accommodate emergency vehicles.*
6. *The eight foot perimeter wall section between the two new buildings shall be raised to ten feet.*
7. *The perimeter wall shall match the exterior walls of the buildings.*
8. *An exterior lighting plan for security interior to the site and a parking lot light plan complying with the City's lighting standards for the parking area outside the access gate shall be prepared.*
9. *A stamped, colored concrete or asphalt walkway shall be provided across the driveway off of Ninth Avenue.*
10. *A detail of the trash enclosure shall be provided.*
11. *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. The final site plan shall address the applicable conditions of this approval.”*

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

Mr. Litster Yes
Mr. Slick Yes

Mr. Liedtke Yes
Mr. Wallin Yes

Motion carried unanimously.

6. ELECTION OF CHAIR AND VICE CHAIR

Mr. Litster moved to suspend the rules and re-elect the Chair and Vice Chair of the Planning and Zoning Commission by acclamation. Mr. Wallin seconded the motion. Motion carried unanimously.

MINUTES

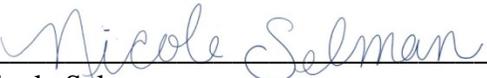
7. REVIEW AND APPROVE MINUTES OF NOVEMBER 18, 2015 AND DECEMBER 9, 2015

Mr. Liedtke moved to approve the minutes of November 18, 2015 as presented. Mr. Wallin seconded the motion. Motion carried.

The minutes of December 9, 2015 were tabled until the next meeting.

ADJOURN:

Mr. Wallin moved to adjourn the meeting at 9:42pm.



Nicole Selman
DCD Administrative Assistant