



MIDVALE

In the Middle of Everything

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**Midvale City
PLANNING AND ZONING COMMISSION
Minutes**

**23th Day of March, 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 (1st Alternate)
Evan Hanson (2nd Alternate)

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

PUBLIC HEARING

1. SSMP-21-26-226-012; RIVERWALK RETAIL LOT 8 MULTI-TENANT BUILDING; 7111 SOUTH BINGHAM JUNCTION BOULEVARD; SMALL SCALE MASTER PLAN FOR MULTI-TENANT RETAIL BUILDING; BINGHAM JUNCTION ZONE/RIVERWALK OVERLAY; MARTY BILJANIC/WADSWORTH DEVELOPMENT (APPLICANT)

Mr. Hilderman presented that Marty Biljanic, representing Wadsworth Development Group, is proposing a Small Scale Master Plan/Preliminary Site Plan for two, multi-tenant buildings located on an interior lot between Bingham Junction Blvd., 7200 South, and 700 West. This property is Lot 8 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 113,725 square feet (2.61 acres). This project is subject to the requirements of the Bingham Junction Zone, the Riverwalk Overlay and the Riverwalk Retail Center Development Agreement. These multi-tenant building proposals include the following;

- One (1), 15,122 sq. ft. structure known as ‘Proposed Building’;
- One (1), 20,000 sq. ft. structure known as ‘Future Building’;
- 125 parking stalls;
- Associated landscaping element; and
- Accesses from the access drive off of Bingham Junction Blvd. and running through the site and the access drive off of 700 West and running along the West boundary.

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 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. 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. However, since these structures do not front along a public right-of-way, this build-to line requirement is not required. For reference purposes, the 'Proposed Building' is seventy-four feet (74') from the top, back-of-curb of the north access drive and the 'Future Building' is twenty-seven feet (27') from the top, back-of-curb of the north access drive.

The proposed sizes and uses of the buildings require a total of 105 parking spaces; 125 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 14% interior parking lot landscaping which complies with the minimum 10% interior parking lot landscaping requirement. One issue that will need to be adjusted is the proposed parking spaces adjacent to the 'Future Building' site. The ordinance a landscaped island is required for parking areas over fifteen (15) spaces. The applicant shall either propose a landscaped island for every 15 parking spaces or remove additional parking spaces to comply with the ordinance requirement.

The proposed building includes 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. The structures also include variations in the facades and details that break up the wall areas.

All mechanical equipment located on the outside of the building shall be painted to match the structure and/or screened appropriately with landscaping. The Riverwalk Overlay limits the amount of stucco on exterior elevations to a maximum of 50%. All elevations comply with this standard. Other items that need to be addressed include:

- Submittal, review, and approval of the 'Future Building' Elevation plans.
- 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.
- A detail of the trash enclosure, including materials and colors that match the building and a screening gate.
- 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.

STAFF RECOMMENDATION:

Staff would recommend approval of the Small Scale Master Plan/Preliminary Site Plan with the conditions stated in the staff report.

Mr. Litster asked if the applicant will need to receive approval from the Planning Commission for the elevations of the second building.

Mr. Hilderman stated there is a condition that requires the applicant return to the Planning Commission and receive approval for those elevations.

Marty Biljanic with Wadsworth Development, 166 East 14000 South, Suite 210, Draper, stated he is the applicant for this item. He added that he feels confident the second building will be constructed in the not too distant future. They are hoping to construct the first building sooner because they are in a hurry to get the additional infrastructure and parking that will be developed along with it. There currently isn't enough parking for that area and the construction of this new building should solve that problem.

Mr. Judkins stated he has some concerns about the blank wall on the first building. He suggested adding a condition that limits the length of time that wall can remain blank.

Ms. Costello moved to open the meeting to 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. Slick seconded the motion. Motion carried.

Mr. Wallin stated he is comfortable with this item and it appears the applicant does not have an issue with the additional condition the Planning Commission has suggested.

The rest of the Planning Commissioners agreed with Mr. Wallin's comments.

There was no further discussion.

MOTION:

Mr. Wallin moved that, *“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 Small Scale Master Plan for Riverwalk Retail Lot 8 Multi-tenant building to be located at 7111 South Bingham Junction Boulevard with the following conditions:*

- 1. Prior to construction of the ‘Future Building’ the applicant shall submit plans for further review and approval by the Planning Commission. If the future building is not constructed within a period of two years the east elevation on the proposed building will be required to be mitigated with some kind of element to soften the single-color thirty foot wall.*
- 2. The applicant shall either propose a landscaped island for every 15 parking spaces or adjust the parking spaces adjacent to the ‘Future Building’ site in order to comply with the ordinance requirements.*
- 3. 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.*
- 4. An irrigation/planting plan as required in Section 17-7-9.5 F of the Zoning Ordinance shall be prepared.*
- 5. 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.*
- 6. The trash enclosure shall be constructed of similar materials and colors as the building and include a screening gate. A detail of this enclosure shall be included on the final site plan.*
- 7. All requirements of the Building Official, Fire Marshall, and the City Engineer shall be satisfied.*
- 8. 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.*
- 9. All signage shall be reviewed under the applicable sign requirements and approved*

through the sign permit process.

10. *The vacant lot where the ‘Future Building’ is proposed shall be maintained by the applicant. Any graffiti or other problems that arise in that vacant lot will be required to be addressed by the applicant within a timely period.*

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

Mr. Liedtke Yes
Mr. Wallin Yes
Mr. Litster Yes
Ms. Costello Yes

Motion carried unanimously.

ACTION ITEM

2. TXT-16-01; TEXT AMENDMENT TO MODIFY BUILDING HEIGHTS AND SETBACKS IN THE RM-12, RM-25, STATE STREET COMMERCIAL AND TRANSIT ORIENTED DEVELOPMENT ZONES; CITY STAFF (APPLICANT)

Ms. Burns presented that on March 9, 2016, the Planning Commission conducted a public hearing and discussed this proposed text amendment regarding building heights and setbacks specifically as they relate to adjacent single family residential zones. Following the public hearing and discussion, the Planning Commission requested some additional information. Allowed building heights, setbacks, landscape buffer and parking requirements from some of the other cities in the area are attached. Some of the other information requested will be presented at the meeting.

The Planning Commission’s discussion on March 9th included a number of questions that are important to consider as part of this item. These include, but are not limited to, the following:

- How does the proposed text amendment fit within the current General Plan Update process?
- Are the concerns we are trying to address with the proposed text amendment community-wide concerns or the reaction to an isolated issue?
- What implications does the proposed text amendment have on future growth and opportunities to provide sustainable services to the City’s residents?
- Is the “one size fits all” approach the best solution or do we need to consider different development requirements in different areas?

These questions are key components of the City’s General Plan Update, which is intended to guide the City in its land development decisions to ensure these decisions are working towards achieving the overall goals of the City. This past week, a draft of the General Plan Update has been made available to the public, and formal public hearings with the Planning Commission and City Council will be scheduled soon. The goal is to have an adopted plan in the next few months. This will provide a much needed reference for how the above questions should be answered

based on input from the overall community.

A temporary zoning regulation has been in place to provide some time for the City to consider how it would like to address some community concerns regarding building heights and setbacks in areas immediately adjacent to single family residential zones. In order to address the temporary zoning regulation, the City Council is looking for a recommendation from the Planning Commission on how it feels the City should proceed from this point regarding this specific issue. The Planning Commission has a number of options in formulating its recommendation to the City Council:

1. The Planning Commission can recommend the text amendment language prepared by Staff for the last meeting. This language lowers the allowable building height in the TOD zone for projects that do not have frontage on State Street and 7200 South; and creates consistent setbacks and landscaped buffers from single family residential zones for all new projects in the RM and State Street Commercial zones using the current TOD standards, which require larger setbacks than the other zones.
2. The Planning Commission can recommend the text amendment language with noted changes.
3. The Planning Commission can recommend that the current ordinance remain in place until a more comprehensive review of all of the issues can be done that is based on the considerations and goals of the General Plan Update.
4. The Planning Commission can recommend specific sections of the text amendment language, with the caveat that a more comprehensive review with appropriate changes be done once the General Plan Update is adopted.

Mr. Litster suggested the Commission review the list of questions and concerns that were drafted during the Public Hearing for this item.

Ms. Burns led a detailed discussion with the Planning Commissioners regarding the information staff was able to collect in order to address those questions and concerns. She reported on the requirements other cities have incorporated in their TOD Zones. She also presented some visual renderings that illustrated the view of taller buildings with various setback options.

Mr. Slick expressed his concerns with some of the TOD developments he has seen go up around Salt Lake County within the past 5 years. Some of them, specifically one in Murray, don't seem to provide enough parking for the residents and it looks out of place in the existing community. Developments such as that make him feel less inclined to support anything similar to that coming to Midvale City.

Hopper Knowlton, with Parley's Partners, explained he is very familiar with the development Mr. Slick mentioned in Murray. He feels Mr. Slick is correct. That project is a disaster. There are 668 units on 20 acres. Murray City recognizes, after the fact, that they have made a huge mistake with that project area. The majority of the cars parked on the street and in the visitor parking spaces belong to tenants of the development. Murray has since changed their ordinance to require more parking for that type of product as a result of the issues they have dealt with. That project would have been better off if there had been structured parking requirements. There are good examples of development in a TOD Zone and there are also bad examples. The Fireclay

Project Area is a very bad example. He would hope that project would not dictate the final recommendation to be made by the Planning Commission.

Mr. Judkins concluded through the discussion that the Planning Commission does not deem it necessary to change the code for the TOD Zone until it can reviewed with more direction of the updated General Plan. It exceeds what other cities require in regards to the setbacks, and, if anything, it might make more sense to eliminate or minimize some of the requirements because the code is currently too restrictive.

The Commissioners agreed with Mr. Judkins and collaborated on drafting a motion that explains why they choose to recommend making no changes to the ordinance.

There was no further discussion.

MOTION:

Mr. Litster, *“I move that we forward a recommendation to the City Council to make no changes to the ordinance with regard to building heights and setbacks in the RM-12, RM-25, SSC and TOD zones until a more comprehensive review of all of the issues can be done that is based on the considerations and goals of the General Plan Update. It is our hope that these changes can be made immediately upon the approval of the General Plan update. The Commission further expresses to the City Council the sense of the Commission that the City needs to promote higher density commercial and residential projects in the TOD and SSC zones. It is the hope of the Commission that this will be reflected in the updates to the General Plan.”*

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

Ms. Costello Yes
Mr. Litster Yes
Mr. Liedtke Yes
Mr. Wallin Yes

Motion carried unanimously.

MINUTES

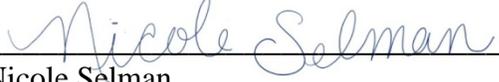
3. REVIEW AND APPROVE MINUTES OF JANUARY 13, 2016; FEBRUARY 10, 2016; FEBRUARY 24, 2016 AND MARCH 9, 2016

Mr. Liedtke moved to approve the amended minutes of January 13, 2016. Mr. Litster seconded the motion. Motion carried.

Mr. Litster moved to approve the minutes February 10, 2016 as proposed. Mr. Liedtke seconded the motion. Motion carried.

ADJOURN:

Mr. Wallin moved to adjourn at 9:17pm.



Nicole Selman
DCD Administrative Assistant