



MIDVALE

In the Middle of Everything

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Midvale City
PLANNING AND ZONING COMMISSION
Minutes

11th Day of May, 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. Litster	Present
Mr. Wallin	Present
Mr. Judkins	Present
Mr. Liedtke	Present
Mr. Hanson	Excused
Ms. Costello	Excused
Mr. Slick	Absent

PUBLIC HEARING

1. SSMP-21-26-227-003; MAVERICK CONVENIENCE GAS STORE; 7148 SOUTH BINGHAM JUNCTION BOULEVARD; SMALL SCALE MASTER PLAN FOR 24-HOUR AUTOMOTIVE FILLING STATION AND CONVENIENCE STORE; RICK MAGNESS/MAVERICK, INC. (APPLICANT)

Mr. Hilderman presented that Maverik, Inc., represented by Rick Magness, is proposing an Automotive Filing Station (gas station with convenience store) within the Riverwalk West at Bingham Junction Retail Development Large Scale Master Plan (LSMP) area on a proposed 1.183 acre parcel located in the southeast corner of the site. This area is subject to the requirements of the Bingham Junction Zone, the Riverwalk Overlay and the Riverwalk West Retail Development Agreement. In addition to a 5,518 sq. ft. structure gas station/convenience store, the site includes 5 gas islands (10 dispensers' total), 30 parking stalls, a seating/picnic area, a new driveway approach off of Bingham Junction Boulevard, and associated landscaping elements. This proposed site is part of Subarea 2 of the Bingham Junction zone district. This zone and subarea allows this type of development approval through the SSMP process and approval of the proposed use through the Administrative Conditional Use Permit (ACUP) process.

At this time, the applicant is requesting the following:

- A Small Scale Master Plan approval for the proposed site layout, landscaping and building design.
- Administrative Conditional Use Permit approval for the proposed 24-hour, automotive filing station.

CONDITIONAL USES

In order to approve a Conditional Use Permit, the following applicable criteria must be satisfied. These items should be reviewed in conjunction with the Small Scale Master Plan.

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;
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, and flood potential have been fully mitigated and the proposed structure is appropriate to the topography of the site.

SMALL SCALE MASTER PLAN

The Planning Commission approved the Amended Large Scale Master Plan for the Riverwalk West at Bingham Junction Retail Development with the following conditions:

1. All development within the 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 maximum building height of 32 feet for a flat roof for portions of the structure within 100 feet of a single family attached or detached residential structure.
2. All development within the 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 the street trees required as part of the Riverwalk Thematic Design Elements. Landscape screening of maintenance buildings, trash collection and recycling, storage and service areas, mechanical equipment and loading docks, particularly where viewed from residential areas and public vantage points will be required.
3. All development within the 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; and loading docks and service areas where visible from streets and residential buildings being screened with walls and dense landscaping.

4. All development within the 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 large scale master plan shall comply with the approved Riverwalk Thematic Design Elements, i.e. lighting, street trees, etc.
6. All drive/road accesses shall comply with the requirements of the City Engineer.
7. Circulation and connectivity between all projects within the LSMP area shall be a priority.
8. The open space along 7200 South and the 7200 South access road shall be enhanced to include additional landscaping to ensure the original intent of this area remains visually pleasing and functional for the community.
9. The 7200 South access is contingent upon UDOT's written approval. If this access is not approved by UDOT, the area on the south side of the east/west road through the plan area shall revert to the 2010 original LSMP layout.

The proposed SSMP/site plan is consistent with the Amended Large Scale Master Plan layout and has been designed with appropriate access points and vehicular circulation to accommodate the additional traffic generated proposed by this use, while still providing sufficient emergency vehicle access and parking. Both the City Engineer and Fire Marshal have reviewed the proposed site plan and are satisfied with the layout. Regarding the required development standards, landscaping, architecture, parking, and thematic elements of the Riverwalk Overlay and Development Agreement, Staff provides the following analysis, which includes additional recommendations to mitigate any potential impacts created by the proposed gas station/convenience store use.

DEVELOPMENT STANDARDS

Subarea 2 does not include a build-to-line requirement as in other subareas in Bingham Junction. The required building setbacks are defined by Building Code requirements and landscaped setbacks. The required landscape setback along Bingham Junction Boulevard is twenty-feet (20'). The proposed building location does not impact this standard however the applicant has only proposed a fifteen-foot (15') landscaped setback. The applicant will need to increase the landscape setback an additional five-feet (5') and no amenities or structures, above-ground and underground, will be allowed within this landscaped setback.

The applicant has also proposed a thirty-six foot (36') wide, two-way driveway access from Bingham Junction Boulevard, which is the maximum allowed by ordinance. Based on the ordinance language, any commercial driveway exceeding a width of thirty-feet (30') is required to install a landscaped area of at least twelve feet in width by ten feet in depth (12' x 10'). Further discussion among the applicant, Staff, and the City Engineer determined the city engineer may approve minor variations (less than or equal to 10%) in the driveway width and spacing. The applicant is currently working with the City Engineer to allow a three-foot (3') (10% maximum variation) to increase the driveway width to thirty-three feet (33'). The applicant has further stated that once a proposed approval from the City Engineer is granted, the applicant will further request a variance to increase the driveway width to a maximum of thirty-six feet (36'). The applicant will need to comply with one of the following: provide the

landscaped commercial driveway access standard; propose a driveway access that does not exceed thirty-feet (30') in width; or receive approval from the City Engineer and the Appeal Authority to increase the overall width to a maximum of thirty-six feet (36'). The Planning Commission does not have the authority to allow an exception to this driveway access requirement.

The maximum building height in this area is ninety-two feet (92') for a flat roof. The highest roof section for the gas station /convenience store is 20.5 feet to the top of the parapet and 31.26 feet to the highest point of the structure.

LANDSCAPING

The development parcel is required to have a minimum 13% landscaping. This proposal has 14.7% which includes the landscaped setback from the edge of the public right-of-way, parking lot and interior lot landscaping, and landscaping adjacent to the building. The applicant will be required to increase the landscaped setback from the public right-of-way an additional five-feet (5') thus increasing the landscaping percentage. The applicant has proposed the required London Plane street trees along River Gate Drive, and trees, shrubs, plants and grasses around the building and within the parking areas.

However, the applicant shall remove the two (2) proposed 'Austrian Pine' evergreen trees proposed within the landscaped setback as this type of species is not allowed within any public right-of-way. The zoning ordinance allows a maximum of 50% of the landscaped area to be turf (sod); 45% is being provided with the remainder of the planter areas being covered with a three-inch (3") layer of rock mulch however; the ordinance language requires a minimum of four-inches (4") of mulch to retain water, inhibit weed growth, and moderate soil temperature. Interior parking lot landscaping is required to be a minimum of ten-percent (10%) of the parking lot; this plan identifies a total of twenty-seven percent (27%) however some additional information shall be provided to determine if this requirement is being satisfied. A pedestrian walkway has been provided around the majority of the building with a connection through the parking lot to the public sidewalk along Bingham Junction Boulevard. In order to comply with the Riverwalk landscaping standards, the following issues will need to be addressed on the final landscape plan:

- A twenty-foot (20') landscaped buffer setback shall be required adjacent to Bingham Junction Boulevard.
- Changes to 'Sheet L2 Landscape Details' stating the following, "4" layer of 1" crushed rock mulch."
- An irrigation schedule, as stated on 'Sheet L3 Irrigation Plan' for further review.
- A detail of the trash enclosure, including materials and colors that match the building and a screening gate.
- A revised 'interior parking landscaping plan' that identifies the appropriate parking lot landscaping areas.
- The proposed 'sidewalk pavers' shall be stated as the following, "Stamped concrete crosswalk detail needs to include the expected pattern (Ashlar) and integral color (Dark Gray CC230/4 – Color-Crete or equivalent." This is one of the required thematic elements for Riverwalk.

ARCHITECTURE

The building exterior is proposed to include several types of finished exterior materials such as; stone veneer, fiber cement board, stone caps, and rough sawn timbers. These are materials that are allowed by the zoning ordinance and provide the required façade variation expected in a commercial building. Two main entrances are proposed that are architecturally emphasized with either a glass storefront and/or heavy-timber roof elements that are constructed of materials similar to the main building. Staff feels the exterior elevations provided have reduced the appearance of massive blank walls by their proposal of color and material changes, shifts in the building planes, offsets and projections and window and door elements proposed.

The zoning ordinance requires that the service areas and mechanical equipment be screened from public view. The applicant has proposed a parapet wall where all HVAC equipment will be situated and screened from public view. The applicant has also provided a housekeeping pad to the rear of the structure that will be screened with low-planting shrubs and grasses. A detail of the trash enclosure will need to be provided on the final site plan. This enclosure will need to be compatible with the building exterior and include a screening gate.

PARKING

The applicant has proposed 30 parking stalls within the proposed development. With the proposed square footage of the gas station/convenience store use, 28 parking stalls are required by the ordinance (5 per each 1,000 square feet of net leasable building area). For parking lots of this size, the zoning ordinance requires a minimum five foot perimeter landscaping, minimum 10% interior parking lot landscaping, and landscape islands at the end of each parking row and for every 15 parking stalls. These have been shown on the plan however the interior parking lot landscaping calculations will need to be revised to ensure compliance with the minimum 10% requirement. The applicant will need to submit an exterior lighting plan. This plan will need to utilize the parking lot lights required in the Riverwalk thematic elements including treatment of the pole bases, and comply with the photometric requirements in the exterior lighting standards in Section 17-7-9.6 F of the zoning ordinance.

SIGNAGE

Any proposed signage for this development will require a detailed review through the Sign Permit process to ensure the specific sign requirements are satisfied. Project identification signs with the Riverwalk West Retail Project may be designed by the individual users but shall include the Riverwalk project logo and comply with the sign standards for Sub-Area 2 in the Bingham Junction Zone District. All signs must be located within a landscaped feature and not within the identified public open-space.

* * *

If the Planning Commission is comfortable with this proposal, Staff believes the items noted

above can be addressed as part of Staff's final site plan review. With these items addressed, the proposed Small Scale Master Plan/Preliminary Site Plan will comply with all of the zoning requirements for this area, including those required by the Development Agreement for the Riverwalk West Retail, and mitigate any potential impacts created by the proposed use.

ADMINISTRATIVE CONDITIONAL USE PERMIT

Provided the entire Small Scale Master Plan/Preliminary Site plan requirements are satisfied, Staff does not see any issues or additional mitigation measures needed for a 24-hour automotive filling station use at this location. It does not appear this use will be detrimental to existing or future surrounding uses.

STAFF RECOMMENDATION:

Based on compliance with the Riverwalk West Retail Amended Large Scale Master Plan, Zoning Ordinance and Riverwalk West Retail Development Agreement, Staff recommends the Planning Commission approves the Small Scale Master Plan/Preliminary Site Plan and Administrative Conditional Use Permit for the Maverik Convenience store with fuel sales with the conditions outlined below.

Mr. Litster asked Staff if there were any rendering of what the gas pumps and the canopies over the gas pumps might look like.

Rick Magness, Entitlement Manager for Maverik, 185 South State Street, Suite 800, Salt Lake City; gave a brief presentation on what types of materials and architectural elements will be used on the interior and exterior structure of the proposed project. He explained the multi-purpose uses this Maverik location is intended to serve. He confirmed that the conditions associated with the approval of this application are conditions they agree with, however, it is of dire necessity to provide enough space for tanker and service vehicles to enter and exit the parking lot from Bingham Junction Boulevard. They do not want to see these larger vehicles trying to maneuver throughout inappropriate areas of the site. He provided further details regarding the mathematical and logical reasoning for requesting a variance that would allow them to construct a 36 foot wide parking entrance. He apologized that he does not have a rendering of what the canopy over the gas pumps will look like considering that is a feature that will be seen from the main road. He assured the Planning Commissioners that the canopies are considered to be an extension of the building architecture. It is standard for the finishes of a canopy to match the finishes of the building. This means there will be columns that are treated with rock at the base.

Mr. Liedtke asked if any of the Maverik stores have experienced a need to cooperate with the homeless population. He would like to make sure the applicant understands that there could be some of the potential conflicts and it would be best to ensure there are policies for handling each situation in a respectable and humane way.

Mr. Magness explained they have witnessed some issues with homeless individuals taking up residence outside of a few of their stores. Usually what attracted these individuals were the picnic benches with a trellis over them being located behind the main store. They have mitigated

this problem by eliminating this type of amenity or by moving it to a location in front of the store and adding a lot of lights that point directly down on it. They have worked on making small design changes that make loitering uncomfortable and he does not feel the homeless population will be an issue at this new location. The site will be very tight with high visibility and activity. Those are the best conditions for deterring that type of behavior.

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

Mr. Judkins stated he approves of the conditions for this item and he agrees that pursuing a wider driveway makes sense. Unfortunately, it is not within the authority of the Planning Commission to grant that kind of a variance. He has seen some of the new Maverik stores and the canopies over the gas pumps have been consistent with the architectural features and finishes of the main store. He has no issues with what is being presented.

Mr. Liedtke stated this will be a good addition to the location.

Mr. Litster added that this store will have a vested interest in keeping the location in good condition if they wish to attract customers from the various businesses in the Bingham Junction area.

Mr. Wallin asked if the nine conditions listed in the motion are sufficient. He suggested the possibility of adding an additional finding that would expressly restate the requirement that the use is not to be detrimental to the public health, safety, and welfare.

Mr. Litster stated he would not be opposed to adding a finding to the motion, however, he is not sure it is essential. It might be easier to simply state that the Commission finds that this item meets all of the requirements for obtaining a Conditional Use Permit.

There were no further questions or comments regarding this item.

MOTION:

Mr. Wallin moved that, *“Based on a finding that the requirements of the Conditional Use are met and based on compliance with the Riverwalk West Retail Amended Large Scale Master Plan, Zoning Ordinance and Riverwalk West Retail Development Agreement, I move that we approve the Small Scale Master Plan and Administrative Conditional Use Junction Boulevard 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 Marshal and City Planner.*

2. *The applicant shall increase the landscaped setback along Bingham Junction Boulevard an additional five-foot (5') and no amenities and above- and below-ground structures shall not be allowed within this landscaped setback.*
3. *The applicant shall comply with one of the following: provide the landscaped area for a commercial driveway access standard; propose a driveway access that does not exceed thirty-feet (30') in width; or receive approval from the City Engineer or the Appeal Authority to increase the overall width.*
4. *The landscape plan shall address the following items:*
 - *The applicant shall remove the two (2) proposed 'Austrian Pine' evergreen trees proposed with the landscaped setback.*
 - *The interior parking lot landscaping calculations shall be revised to ensure compliance with the minimum 10% landscaping requirement.*
 - *The proposed 'sidewalk pavers' shall be stated as the following, "Stamped concrete crosswalk detail needs to include the expected pattern (Ashlar) and integral color (Dark Gray CC230/4 – Color-Crete or equivalent." This is one of the required thematic elements for Riverwalk.*
 - *Changes to 'Sheet L2 Landscape Details' stating the following, "4" layer of 1" crushed rock mulch."*
 - *An irrigation schedule, as stated on 'Sheet L3 Irrigation Plan' for further review.*
5. *All mechanical equipment shall be screened from public view. The color of this equipment shall blend with the other building elements and a higher parapet or screening wall may need to be added to provide this required screening.*
6. *Details on the trash enclosure shall be provided. The materials and colors of this enclosure shall be compatible with the building, and include a screening gate.*
7. *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 and submitted.*
8. *All signs shall be reviewed under the applicable sign requirements and approved through the sign permit process.*
9. *All requirements of the Building Official, Fire Marshal and the City Engineer shall be satisfied."*

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

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

Motion carried unanimously.

DISCUSSION

2. CREATING RESIDENTIAL OVERLAY IN REGIONAL COMMERCIAL ZONE

Ms. Burns led a discussion with the Planning Commission regarding the possibility of creating a residential overlay which would allow medium to high residential density within the Regional Commercial Zone. She presented details that may be included in this code change such as the

maximum allowable number of units, the maximum height for residential structures, and the amount of open space that would be required. She explained that the current ordinance for the Regional Commercial Zone was created for suburban use. This overlay has the potential to transition this zone into something that is much more urban. The purpose of this discussion was to provide staff with input from the Planning Commission.

3. ADDING PUBLIC FACILITIES OVERLAY TO CANYONS SCHOOL DISTRICT PROPERTY AT 7830 SOUTH CHAPEL STREET

Mr. Judkins stated that Canyons School District is a client of the company he is employed with. He personally works on projects for Canyons School District, however, he does not feel his relationship to them will affect his ability to have an unbiased discussion.

Ms. Burns explained that Canyons School District is constructing a new middle school at 7830 South Chapel Street which is located within the Single Family Residential Zone. There were cell phone antennas on the old building before it was demolished. Because the new building is lower, similar antennas will no longer provide the necessary coverage, including leaving a section of I-15 and a large portion of the surrounding area dark. The City's current telecommunications facilities standards do not provide for similar coverage as the antenna on the roof of the old building. This has created an issue for the School District, AT&T and the City, whose citizens and travelers along a Midvale section of I-15 will no longer have service. To try and solve this issue, Staff is suggesting a telecommunications facilities provision be added to the Public Facilities Overlay. During this discussion the Planning Commissioners had the opportunity to relate their concerns regarding this new overlay to Ms. Burns. They also made suggestions on what Staff can do to mitigate any negative impacts this change could potentially have on the surrounding neighborhood.

MINUTES

1. REVIEW AND APPROVE MINUTES OF MARCH 9, 2016; MARCH 23, 2016; APRIL 13, 2016; AND APRIL 27, 2016

Mr. Liedtke moved to approve the minutes of March 9, 2016 as amended. Mr. Wallin seconded the motion. Motion carried.

Mr. Litster moved to approve the minutes of March 23, 2016 as amended. Mr. Wallin seconded the motion. Motion carried.

ADJOURN:

Mr. Wallin moved to adjourn at 9:49pm.



Nicole Selman
DCD Administrative Assistant