



MIDVALE

In the Middle of Everything

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

Midvale City
PLANNING AND ZONING COMMISSION
Minutes

25th 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
Chris Butte, Economic Development Director

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

PUBLIC HEARING

1. SUB-27-01-201-056; JAYNE'S PLACE PHASE 2 SUBDIVISION AMENDED; 193 WEST 8600 SOUTH; PRELIMINARY SUBDIVISION PLAT FOR THREE RESIDENTIAL LOTS; SINGLE FAMILY RESIDENTIAL (SF-1) ZONE; BRANDON FRY (APPLICANT)

Ms. Burns presented that the applicant, Todd Johnson, is requesting approval to subdivide the property located at 193 West 8600 South into three lots as shown on the attached preliminary subdivision plat. This property has frontage on 8600 South, a public street with existing curb and gutter and sidewalk. There is an existing house and accessory structures on the property that will need to be demolished. The proposed subdivision will create three new single-family residential lots.

This property was recently rezoned from Regional Commercial to SF-1. The new zone is a single-family residential zone requiring a minimum lot size of 7,000 square feet, a minimum 55- foot lot frontage, and a minimum lot depth of 90 feet. The three lots being created with this proposed subdivision comply with these lot standards. Because the existing house will not comply with setback requirements from the new lot lines and the accessory structures will not have a primary structure associated with them, all of the existing structures on the property will need to be removed/demolished before the subdivision plat is recorded. The Subdivision Ordinance requires street trees be planted at a rate of one tree per 30 feet of frontage. Based on this, two (2) street trees will be required on each lot. Staff would recommend a note be added to the subdivision plat indicating the trees must be planted prior to a Certificate of Occupancy being issued for each new dwelling. Existing street trees can count towards this requirement.

The Fire Marshal has reviewed and approved the proposal. The City Engineer has provided two comments to be addressed on the final subdivision plat. These include the addition of addresses to the plat and to move the north property line one foot behind the existing public sidewalk. This will slightly affect the lot depths and areas, but the lots will remain well within the minimum lot standards required. Water for the new lots will be provided by

Midvale City; sewer will be provided by Sandy Suburban Improvement District. The applicant will need to obtain duty to serve letters prior to final subdivision plat approval.

With the conditions recommended below, Staff believes the proposal complies with all the specific zoning and subdivision requirements for a single-family residential subdivision in the SF-1 zone district.

STAFF RECOMMENDATION:

Based on compliance with the zoning and subdivision requirements of the SF-1 zone district, Staff recommends approval of the preliminary subdivision plat for the Jayne's Place Phase 2 Subdivision Amended 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. This plat shall address the City Engineer's preliminary plat comments.
2. Two 2-inch caliper deciduous street trees are required on each lot. These trees shall be in place or guaranteed by a cash bond prior to a Certificate of Occupancy being issued for each new residential structure. Existing street trees can count towards this requirement. A note indicating this shall be included on the final subdivision plat.
3. The applicant shall obtain duty to serve letters for water and sewer for the new lots prior to final subdivision plat approval.
4. The existing structures on the property shall be demolished and removed prior to the final subdivision plat being recorded.

Brandon Fry, 1800 North Woodside Drive, Salt Lake City, thanked Ms. Burns for making this process efficient. He had no further information to add to what Ms. Burns already presented.

Mr. Judkins asked if the applicant intends to build the homes.

Mr. Fry stated he will be the builder for this subdivision.

Mr. Wallin asked Mr. Fry if he has read and understands the proposed conditions for this item.

Mr. Fry stated he has read the conditions and he will be able to comply with those conditions.

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

Steven Dailey, 198 West 8600 South, stated he lives directly across the street from this proposed development. He is the final remaining water share holder on the end of this street. He would like to make sure the irrigation ditch will be properly piped-in. If it is piped-in he would suggest adding a cleanout box due to the large amount of debris that travels down the irrigation ditch. He would like to be proactive about reducing the chances of flooding in this subdivision.

There were no further questions or comments from the public.

Mr. Liedtke moved to close the public hearing. Ms. Costello seconded the motion. Motion carried.

Mr. Judkins thanked Mr. Daily for his comments and suggested drafting an additional condition that would address his concerns.

There was no further discussion for this item.

MOTION:

Mr. Wallin moved that, *“Based on compliance with the zoning and subdivision requirements of the SF-1 zone district, I move that we forward a positive recommendation to the City Council for the approval of the preliminary subdivision plat for the Jayne’s Place Phase 2 Subdivision Amended located at approximately 193 West 8600 South 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. This plat shall address the City Engineer’s preliminary plat comments.*
- 2. Two 2-inch caliper deciduous street trees are required on each lot. These trees shall be in place or guaranteed by a cash bond prior to a Certificate of Occupancy being issued for each new residential structure. Existing street trees can count towards this requirement. A note indicating this shall be included on the final subdivision plat.*
- 3. The applicant shall obtain duty to serve letters for water and sewer for the new lots prior to final subdivision plat approval.*
- 4. The existing structures on the property shall be demolished and removed prior to the final subdivision plat being recorded.*
- 5. The existing irrigation ditch on the property is appropriately addressed, reviewed by the City Engineer, and preserves irrigation service to the downstream user.”*

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

Ms. Costello Yes
Mr. Wallin Yes
Mr. Liedtke Yes
Mr. Hansen Yes

Motion carried unanimously.

2. CUP-21-24-376-008; FAST GARAGE LLC; 6930 SOUTH 400 WEST, SUITE 3; CONDITIONAL USE PERMIT FOR VEHICLE REPAIR USE; CLEAN INDUSTRIAL ZONE; BOLIVAR MONJARAZ (APPLICANT)

Mr. Hilderman presented that Bolivar Monjaraz, authorized agent representing the property owner, Rick Service Midvale LLC, submitted a complete application, proposing to operate and manage a vehicle repair business in an existing office/warehouse space. The total acreage of this site is estimated at 0.32 acres and consists of five (5) tenant units.

The applicant proposes to occupy two tenant spaces; one space to accommodate the office work and garage shop area and one space to accommodate excess storage/materials. Approximately 1,486 square feet is warehouse and 104 square feet is office. Six (6) total parking stalls have been designated for this operation. The commercial operating hours are anticipated to be between the hours of 9:00 a.m. thru 7:00 p.m., Monday – Saturday. The applicant anticipates only one employee during the initial opening of the business.

The recommended amount of parking spaces for this proposed use is calculated to be one space per employee per shift plus 4 per service bay and 3 per 1,000 square feet of leasable floor office space. Based upon review of the submitted site plan, the amount of off-street parking required is five (5) for the auto repair use and one for the office use, requiring a minimum of six (6) parking stalls. Based upon the applicant's submitted site plan, the required amount of off-street parking is sufficient and additional vehicles may be stored within the 'Storage' unit.

The applicant has indicated that no further improvements are proposed such as; exterior facade lighting and outdoor parking lights. Since this proposed use is located on an existing developed parcel and the overall site or building mass size is not proposed to be altered, no further development standards or improvements are required.

This proposal is located within the Clean Industrial (CI) zone, which requires a Conditional Use Permit for vehicles repair. 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 this proposal will not be detrimental to the health, safety and welfare of people and businesses in the area. There is an existing vehicle repair use approved to East (Precision Automotive Car Care Center) and similar vehicle-related uses in the surrounding area, as well. All improvements exist, with sufficient utility capacity and emergency vehicle access. Staff does not anticipate any adverse impacts being created by this proposed use, provided the business is operated in accordance with this proposal. Through the Business License process, all Building and Fire Code requirements shall be taken care of. There have also been similar businesses approved within these tenant spaces in the past.

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 **Fast Garage LLC**, to be located at 6930 South 400 West, Ste. 3, with the following conditions:

1. All vehicles related to the business shall be parked in the stalls associated with the tenant space or inside the building.
2. All vehicle work shall be performed inside the shop area.
3. Any vehicles kept overnight shall be stored inside the shop and storage area. Outdoor storage is prohibited.
4. The applicant shall comply with all requirements of the Building Official and Fire Marshal.
5. All requirements of the State regarding the storage and disposal of hazardous materials shall be satisfied at all time.
6. The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.
7. All signage shall comply with the sign requirements for the CI zone and sign permits obtained before such signage is installed.

Bolivar Monjaraz, 6930 South 400 West, Midvale, stated he is the applicant.

Mr. Judkins asked why this business has been operating at this location without a business license.

Mr. Monjaraz explained he does not have a good answer for this question. He has proof that he submitted an application for a business license however since that time he never received an update regarding the status of his license. They have recently hired a new accountant who insisted they submit and receive all required documents and approvals for operating this business. Ultimately he would say a lack of experience in running a business was the cause for not obtaining a business license.

Mr. Judkins stated the application for this business was received in June of 2012. Business licenses need to be renewed annually. Having a business license does not necessarily give the

business owner the right to conduct a business that may require a Conditional Use Permit for this specific location. After reviewing the way this business has historically operated there seems to be more cars parked at this business location than the site can accommodate. This is definitely a concern for the Commission as well as the nearby business owners.

Mr. Monjaraz stated that is a legitimate concern and it is something that he can fix right away.

Mr. Liedtke asked how the applicant intends to resolve this issue.

Mr. Monjaraz explained that he is currently renting a storage unit where he can store the additional cars that are in front of the building.

Mr. Judkins asked if the cars parked in front of the building are vehicles the applicant is working on repairing.

Mr. Monjaraz stated that he owns most of the vehicles that are parked in front of his building. He purchases vehicles that he can repair then re-sell.

Mr. Liedtke asked if this business is also a car dealership.

Mr. Monjaraz explained he is a hard worker and the sole financial provider for his family. He is trying to do everything he possibly can to support them. Sometimes when business is slow in his vehicle maintenance and repair operations he will buy and sell vehicles in order to make a little extra cash on the side.

Mr. Judkins asked Mr. Monjaraz where he sells his cars.

Mr. Monjaraz stated he only sells vehicles to his existing customers.

Mr. Judkins asked if customers come to his vehicle repair business to make the purchase of a vehicle.

Mr. Monjaraz replied that he recruits customers through word of mouth but they do have to come to this location to look at the vehicles and purchase them.

Ms. Costello commented that the applicant might need to get a dealership license in order to buy and sell used vehicles.

Mr. Judkins added that a dealership is not the type of business the Planning Commission is being asked to approve. He asked Mr. Hilderman if the applicant would need a different application for that type of use.

Mr. Hilderman explained the original application for a Conditional Use Permit was only reviewed for vehicle repair use. This zone does allow vehicle sales and service use however that is not what the application was made for. The applicant could apply for an additional Conditional Use Permit but the major concern would be that the site most likely could not accommodate both of those uses.

Mr. Wallin stated that he commends the applicant for being honest and bringing all of the facts forward. It is not the intent of the Planning Commission to find fault in how the applicant is running his business.

Mr. Monjaraz thanked Mr. Wallin and stated that he would like to do everything he can to straighten things out.

Mr. Wallin asked how many cars are generally parked outside of this business.

Mr. Monjaraz stated that on any given day there are about seven or eight cars parked outside of the building. He can fit three cars in one garage and he stores parts and two cars in another garage. Altogether there are always about eleven to thirteen cars on-site.

Mr. Liedtke asked if the applicant has a long term solution for cutting the down the number of cars being stored on-site for personal use and sales.

Mr. Monjaraz replied that he is renting out another storage unit and he can move any cars that are not related to the business use of vehicles repair to this storage unit.

Mr. Liedtke asked if the applicant repairs cars for customers or if he buys cars to repair then sells those cars.

Mr. Monjaraz replied that the majority of his repair services are for customers.

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

Jeanne Thomas, 6920 South 300 West, Midvale, explained she is the owner of the Pie Pizzeria. Her company is currently occupying a warehouse across the parking lot from this business. She feels the zoning ordinances have been consistently and constantly violated by Mr. Monjaraz for as long as his business has been open at its current location. It is common for Mr. Monjaraz to double park vehicles in single vehicle parking spaces. Those cars are parked there day and night with as many as twelve to sixteen cars crammed into six to eight parking spaces. There is a legal agreement with the landlord that grants the Pie Pizzeria permanent ingress and egress to their warehouse. Often times there is a need for the delivery of two-ton pizza ovens to be stored however it is usually difficult to get delivery vehicles and trailers in and out of the warehouse because of Mr. Monjaraz's business. Deliveries sometimes take place at midnight. Mr. Monjaraz will leave vehicles double parked overnight and there is no way for them to contact him. The lack of consideration from this business has been very detrimental to the operations of her business. She added that many of the businesses owners who use this parking lot have expressed similar sentiments.

Ms. Costello asked if the landlord has been notified or commented on any of these issues.

Ms. Thomas stated she wrote a letter to the landlord. It was actually the landlord who painted the parking lot stripes in an attempt to get Mr. Monjaraz to park in the appropriate locations designated to his business. It didn't seem to improve the situation.

Terry Bessinger, 6920 South 400 West, Midvale, stated he is a licensed general contractor. He constructed the Pie Pizzeria at this location and he also does the setup for temporary structures at various events catered by the Pie Pizzeria. He reiterated the issues and concerns presented by Ms. Thomas while adding more technical details that emphasize why it is such an issue for their business. He submitted photos of the ordinance violations he has witnessed to the Planning Commissioners. He would recommend the Planning Commission deny their application for a Conditional Use Permit. He does not feel this site can accommodate the needs of this business.

There were no further questions or comments from the public.

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

Mr. Wallin stated the current uses of this business do not conform to the allowed uses requested in the Conditional Use Permit application. He suggested the Planning Commission deny or table this application. If the applicant would like to continue his business with the current uses of vehicle sales and repair then he will need to submit a new application and further review of the site will be needed. Another option would be to allow the applicant an opportunity to bring his business into compliance with the sole use of vehicle repair as requested in his current application. If he is able to reduce the number of vehicles parked on-site and cease operations of vehicles sales then the Planning Commission may revisit the idea of approving this Conditional Use Permit.

Mr. Judkins agreed with Mr. Wallin. He would like to see a business plan that explains how the applicant will ensure this site will work for vehicle repair use if that is the type of business the applicant decides to run.

MOTION:

Ms. Costello moved, *“I make a motion that we table the Conditional Use Permit hearing until the applicant can come forward with a new plan that addresses the current parking issues as well as providing an explanation of how this business will operate with the available space.”*

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

Ms. Costello Yes
Mr. Liedtke Yes
Mr. Wallin Yes
Mr. Hanson Yes

Motion carried unanimously.

3. CUP-21-25-276-025; PC LAPTOPS; 145 WEST 7200 SOUTH; CONDITIONAL USE PERMIT FOR INTENSIVE OFFICE AND ASSEMBLY USES; REGIONAL COMMERCIAL ZONE; PC LAPTOPS LLC/JAMES ZITER (APPLICANT)

Ms. Burns presented that James Ziter, representing the applicant PC Laptops LLC, submitted a Conditional Use Permit application in order to operate a computer and technology sales company from the currently vacant building located at 145 West 7200 South (old Quilted Bear location) in the Regional Commercial (RC) zone district. The building would be used as PC Laptops regional headquarters with proposed uses to include offices for management, accounting, human resources and legal, telemarketing sales and technical support (call center), and computer assembly and warehouse.

The existing building is approximately 45,000 square feet in size with an existing parking field of 202 stalls. The applicant is proposing to remodel the interior building space to accommodate the proposed uses, and will utilize the existing parking field as currently configured. As originally proposed, the use would require a Conditional Use Permit for the intensive office use (defined as a business with five or more employees per 1,000 square feet of net leasable office space) and the computer assembly use. The applicant has recently submitted a revised floor plan for the building. With these revisions, which increased the warehouse and assembly area and decreased the number of work stations in the call center, the office use is now below the threshold for an intensive office use, going from 8 employees per 1,000 square feet to 4.6. Therefore, the Planning Commission will only need to directly address the computer assembly use portion of the original application.

As indicated, the RC zone allows a computer assembly use as a conditional use. In order to approve a Conditional Use Permit, the following must be found:

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; and
11. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses.

The computer assembly use will be conducted entirely within a portion of the existing building.

There are no extraordinary processes or byproducts associated with this type of use. Modifications to the interior of the building will require a Building Permit and typical construction complying with all Building Codes. The existing development layout and building scale and mass will not be altered. There is sufficient utility capacity and emergency vehicle access for this proposed use, and the use will not significantly impact traffic and the capacity of the existing streets.

There are currently 170 employees associated with this business; 22 associated with the assembly use. The applicant has indicated future growth of the company may add 28 additional employees, and possibly another shift for call center/technical support staff (the number of work stations would remain the same with an additional shift). There are 202 existing parking stalls on site.

This location is also within 1,000 feet of the 7200 South TRAX Station, providing the opportunity for some employees to utilize public transportation. Based on this, the existing parking should accommodate the proposal. The ordinance does require that the parking lot lighting be upgraded to the City's current exterior lighting standards. This will need to be done in conjunction with the interior remodel of the building.

Provided the conditions recommended below are satisfied, Staff does not anticipate any adverse impacts being created by the proposal and all requirements of the zoning ordinance satisfied.

STAFF RECOMMENDATION:

Based on the recent changes to the proposed floor plan which reduce the call center area within the building, Staff has determined there is no longer an "intensive office" use associated with this proposal. Therefore, this proposal no longer requires a Conditional Use Permit for this use. If the call center area is increased in the future, the resulting intensive office use will need to be reviewed and approved through the appropriate process at that time.

Based on compliance with the Conditional Use Permit criteria and the above analysis, Staff would recommend that the Planning Commission approves the Conditional Use Permit for PC Laptops to have a computer assembly use within its regional headquarters facility at 145 West 7200 South with the following conditions:

1. The applicant shall obtain all required Building Permits for the building interior remodel. Plans for these permits shall be consistent with the proposed floor layout attached. All requirements of the Building Official and Fire Marshal shall be met.
2. The exterior parking lot lighting on the property shall comply with the City's current lighting standards. Any required upgrades to the lighting shall be done in conjunction with the building remodel.
3. The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.
4. All signage shall comply with the sign requirements for the RC zone and sign permits obtained.

James Ziter, 339 East 3900 South #200, Salt Lake City, stated he is the Attorney for PC Laptops. He explained PC Laptops is hoping to re-locate their headquarters from South Jordan to Midvale.

He feels the renovation they intend to do on the existing building will be a positive improvement to the community. They had originally hoped to move their entire staff to this location however they now understand that the occupancy limits for the facility will not accommodate them. They have put together a plan for the Planning Commission to review. This plan does not over-load the building nor does it over-utilize the site.

Mr. Judkins asked of the 170 estimated employees will all be working during the same hours each day or if there are part- time employees who will only be on-site during certain hours of the day.

Mr. Ziter replied that all 170 employees will not be working together at the same time each day. There will most likely be a a maximum of 100 employees working on-site at any given time.

Mr. Wallin asked if there will be any major changes made to the exterior of the building.

Mr. Ziter stated there will be some standard changes to the exterior such as new signage and parking lot light upgrades. They don't really intend to do anything outside of that.

Mr. Wallin enquired about the functionality of the vapor room that is listed on the plan layout.

Mr. Ziter explained that the vapor room will be a place for employees to smoke their e-cigarettes.

There were no further questions for the applicant.

Mr. Liedtke moved to open the meeting to a Public Hearing. Ms. Costello 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 agreed that this would be a good use for this space and they are pleased to see something of this nature go in at this location.

There was no further discussion for this item.

MOTION:

Mr. Liedtke moved that, *“The Planning Commission recognizes the recent changes to the proposed floor plan reduce the call center area within the building, thus eliminating the “intensive office” use associated with this proposal. It is further understood that if the call center area is increased in the future, the resulting intensive office use will need to be reviewed and approved through the appropriate process at that time. Based on the revised proposal’s compliance with the Conditional Use Permit criteria, I move that we approve the Conditional Use Permit for PC Laptops to have a computer assembly use within its regional headquarters facility at 145 West 7200 South with the following conditions:*

1. *The applicant shall obtain all required Building Permits for the building interior remodel. Plans for these permits shall be consistent with the proposed floor layout attached. All requirements of the Building Official and Fire Marshal shall be met.*
2. *The exterior parking lot lighting on the property shall comply with the City's current lighting standards. Any required upgrades to the lighting shall be done in conjunction with the building remodel.*
3. *The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.*
4. *All signage shall comply with the sign requirements for the RC zone and sign permits obtained."*

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

Mr. Hanson Yes
 Mr. Wallin Yes
 Ms. Costello Yes
 Mr. Liedtke Yes

Motion carried unanimously.

ACTION ITEM

4. SSMP-21-26-226-011; RIVERWALK LOT 7 RETAIL DEVELOPMENT; 7101 SOUTH BINGHAM JUNCTION BOULEVARD; REVISION TO BUILDING EXTERIOR; BINGHAM JUNCTION ZONE/RIVERWALK OVERLAY; KYLE MADSEN/COSTA VIDA RESTAURANT (APPLICANT)

On June 15, 2015, the Planning Commission reviewed and approved a Small Scale Master Plan/Preliminary Site Plan for two, multi-tenant buildings identified as Riverwalk Retail Lot 7 for the Wadsworth Development Group. This project was reviewed and approved under the requirements of the Bingham Junction and Riverwalk Overlay Zone district standards and the Riverwalk Retail Center Development Agreement.

On January 29, 2016, a building permit application was received concerning a tenant interior finish for a proposed food establishment identified as Costa Vida. The plans were reviewed by the Building Department and on April 14, 2016 approved by the Building Official.

On May 4, 2016, Staff was informed that the interior work performed had constructed an interior wall that enclosed the outside storefront windows along the South Elevation and portions of the East Elevation.

Staff, along with the Building Department, issued a stop work order notice until this issue could be resolved. After further discussion among the developer and the superintendent, Staff determined the project could continue to proceed as approved however a proposal to finish/construct these window treatments would need to be submitted.

The applicant has proposed to install a Spandrel blackout PVC window film, on the outside of the windows, to conceal the interior finish work.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission consider the appropriateness of this exterior finish in relation to the development standards of these particular zones and the exterior building palette identified within the development agreement. If the Commission is comfortable with this proposal, Staff recommends the Commission identify a finding(s) for this exterior treatment and a condition that this exterior treatment will be maintained by the Tenant and the Landlord, as originally installed and to replace, if necessary.

The Planning Commissioners led a discussion regarding possible window treatment options for lot 7 of the Riverwalk Retail multi-tenant building. They debated whether or not a PVC film would be a durable long-term solution or if the applicant should replace the windows with a dark spandrel glass. Their main concern with the PVC film was that it might easily be scratched with a car key or it might not withstand extreme weather conditions. They decided they would be more comfortable with the PVC if it were inspected after partial installation. Ultimately they did not want to create a monetary hardship by requiring the contractor to replace the windows however they did feel some findings and conditions were an important inclusion in the motion in order to mitigate any possible negative impacts of their decision.

Findings

They found that this building has been completed and the window treatment was over-looked. We will make an exception for this property. We will require the Oracle 951 to be used based on the commitment of the tenant to ensure that he will make sure it is maintained and replaced. Chairman Judkins will review what they have used in order to make sure that meets the expectations of the Planning Commission.

MOTION:

Mr. Liedtke moved that, *“Based on the findings as stated, I moved that we approve the exterior window treatment with the exception that they use the Oracle 951 for the Riverwalk retail, lot 7, located at 7101 South Bingham Junction Boulevard with the following conditions:*

- 1. Oracle 951 must be used.*
- 2. An inspection must be performed on a sample section of the window by Chairman Richard Judkins. If Mr. Judkins approves of the sample section then the contractor may move forward with treating the remainder of the windows.”*

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

Mr. Wallin No
Ms. Costello Yes
Mr. Liedtke Yes
Mr. Hanson No

Mr. Judkins Yes

Motion carried.

Mr. Hanson strongly emphasized that he does not want to see a delay in opening this business because of an over-sight made by various people. He would like there to be a precedent that this type of situation does not happen again.

DISCUSSION

5. PROPOSED RESIDENTIAL OVERLAY IN REGIONAL COMMERCIAL ZONE TEXT AMENDMENT

Ms. Burns led a discussion with the Planning Commission regarding a possible Text Amendment that would allow a residential overlay to the Regional Commercial Zone. This Text Amendment would have some standards that would need to be met before a property could be considered for this type of rezone. She clarified that this Text Amendment would only be recommendation for an over-lay. It would not be applied to any specific property. The purpose of this discussion was to gather input on possible standards and language from the Planning Commissioners before making a formal application.

6. PROPOSED PUBLIC FACILITIES OVERLAY TEXT AMENDMENT

Ms. Burns led a discussion with the Planning Commission regarding a possible Text Amendment that would add some telecommunications standards to the Public Facilities Overlay. The purpose of this discussion was to gather input on possible standards and language from the Planning Commissioners before making a formal application.

7. PROPOSED FENCE HEIGHTS TEXT AMENDMENT

This item was tabled to the next meeting.

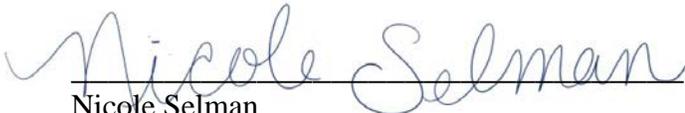
MINUTES

8. REVIEW AND APPROVE MINUTES OF APRIL 27, 2016 AND MAY 11, 2016

This item was tabled to the next meeting.

ADJOURN:

Mr. Hanson moved to adjourn at 10:18PM



Nicole Selman
DCD Administrative Assistant