



7505 South Holden Street
Midvale, UT 84047
Phone (801) 567-7200
www.midvalecity.org

MIDVALE PLANNING AND ZONING COMMISSION MEETING AGENDA JUNE 8, 2016

WORKSHOP MEETING
ALEXANDER DAHL CONFERENCE ROOM
6:30 PM

- STAFF BRIEFING OF AGENDA ITEMS AND UPDATES

GENERAL SESSION
COUNCIL CHAMBERS
7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC HEARING(S)

1. CUP-22-29-105-032; SALUD ES BIENESTAR; 7204 SOUTH 900 EAST; ENTERTAINMENT CENTER USE FOR DANCE STUDIO; REGIONAL COMMERCIAL ZONE; LOURDES VEGA
2. TXT-16-02; TEXT AMENDMENT TO CREATE A RESIDENTIAL OVERLAY WITHIN THE REGIONAL COMMERCIAL ZONE; CITY STAFF (APPLICANT)
3. TXT-16-03; TEXT AMENDMENT TO ADD TELECOMMUNICATIONS FACILITIES STANDARDS IN THE PUBLIC FACILITIES OVERLAY; CITY STAFF (APPLICANT)

ACTION ITEM(S)

4. 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) (CONTINUED FROM 05-25-16)

DISCUSSION

5. PROPOSED FENCE HEIGHTS TEXT AMENDMENT

MINUTES

6. REVIEW AND APPROVE MINUTES OF APRIL 27, 2016; MAY 11, 2016; AND MAY 25, 2016

ADJOURN

The workshop meeting is open to the public; however, there is no public participation. This meeting includes City Staff briefing Commission Members on the technical aspects of the agenda items. Members of the public will be given an opportunity to address the Commission during public hearing items in the general session. The Commission reserves the right to amend the order of the agenda if deemed appropriate. No item will be heard after 10:30pm without unanimous consent of the Commission. Items not heard will be scheduled on the next agenda. In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the CED Administrative Assistant at (801) 567-7211, providing at least three working days advance notice of the meeting.

A copy of the foregoing agenda was provided to the news media by email and/or fax; the agenda was posted in the City Hall Lobby, the 2nd Floor City Hall Lobby, on the City's website at www.midvalecity.org and the State Public Notice website at <http://pnn.utah.gov>. Commission Members may participate in the meeting via electronic communication. Commission Members' participation via electronic communication will be broadcast and amplified so all Commission Members and persons present in the Council Chambers will be able to hear or see the communication.

Midvale City
Department of Community Development
Planning and Zoning

Planning and Zoning Commission Staff Report

APPLICATION:	CONDITIONAL USE PERMIT (CUP)
LOCATION:	7230 South 900 East
APPLICANT:	Lourdes Vega
FILE #:	CUP-22-29-105-032
REQUEST:	COMMERCIAL ENTERTAINMENT CENTER USE
MEETING DATE:	Wednesday, June 8, 2016
ZONING DESIGNATION:	Regional Commercial (RC)
AUTHOR:	Matt Hilderman, Associate Planner
APPLICABLE ORDINANCE (S):	MMC Chapter 17-3-4; 17-7-12.2; 17-7-12.9
AGENDA #:	1

SUMMARY:

Lourdes Vega, authorized agent representing the property owner, Westerra Corporation, submitted a complete application proposing to operate and manage a commercial entertainment center for the purpose of a dance studio. The total acreage of this site is estimated at 1.89 acres with several existing retail businesses such as; 1st Choice Money Center (cash loan store), I Que repair (electronics & mobile phone repair), and Laser Quest (indoor laser tag entertainment), located within the same building. The applicant is proposing to operate at 7204 South, estimated to be a total square footage of 1,450 sq. ft.

The applicant has stated they are the only employees of the establishment and have instructors that teach fitness/dance classes to adults only. Class sizes may range from 10 - 15 participants with one to two classes per night. Classes and instruction will be conducted in an existing 1,250 sq. ft. space, located to the rear of the multi-tenant office building. There are no modifications proposed to the exterior building and only minor changes in the interior. There are a total of one-hundred and thirty-two (132) on-site parking spaces for the entire building. Hours of operation will be 8:00 p.m. – 9:00 p.m., Monday – Friday; and Friday and Saturday morning class from 10:00 a.m. – 11:00 a.m.

This proposal is located in the Regional Commercial (RC) zone district, which requires a Conditional Use Permit for a commercial entertainment center 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.

This business will be located within an existing development that includes adequate infrastructure and facilities for a variety of uses. The Zoning Ordinance requires 5 spaces per 1,000 square feet of floor area for an entertainment center use. This ratio equates to seven (7) parking spaces required for this proposal, including one (1) for the employee. The total square footage of this building is estimated to be 20,388 sq. ft. If we calculated each business to require 5 spaces per 1,000 sq. ft., the total amount of parking spaces required for this structure would be 102. In total, there are 132 parking spaces identified for all these commercial establishments and a total of 8 parking spaces are required for the proposed dance studio use. In addition, this business is proposed to operate mostly during non-business hours when the other businesses in the building are closed. Based on the proposed class sizes and the hours of operation, Staff believes there is adequate parking for this dance facility. Because this use will be conducted entirely inside the tenant space, Staff does not anticipate any adverse impacts being created on the surrounding area.

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 **Salud es Bienestar**, a commercial entertainment center use, to be located at **7204 South 900 East**, with the following conditions:

1. All employee and customer parking shall occur in designated parking spaces within the developed site. If sufficient parking becomes an issue, the applicant shall re-evaluate the training and class schedules to reduce the number of people coming to the facility at any one time.
2. All requirements of the Building Official and Fire Marshall shall be satisfied.
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 of the Regional Commercial zone and sign permits obtained before such signage is installed.

RECOMMENDED MOTION:

*“Based on the proposal's compliance with the Conditional Use Permit criteria and the above analysis, I move to approve the Conditional Use Permit for a commercial entertainment center use for **Salud es Bienestar**, to be located at **7204 South 900 East**, with the following conditions:*

1. *All employee and customer parking shall occur in designated parking spaces within the developed site. If sufficient parking becomes an issue, the applicant shall re-evaluate the training and class schedules to reduce the number of people coming to the facility at any one time.*
2. *All requirements of the Building Official and Fire Marshall shall be satisfied.*
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 of the Regional Commercial zone and sign permits obtained before such signage is installed.”*

ADJACENT LAND USES:

North: RC (Regional Commercial)

South: RC (Regional Commercial)

East: RC (Regional Commercial)

West: RC (Regional Commercial)

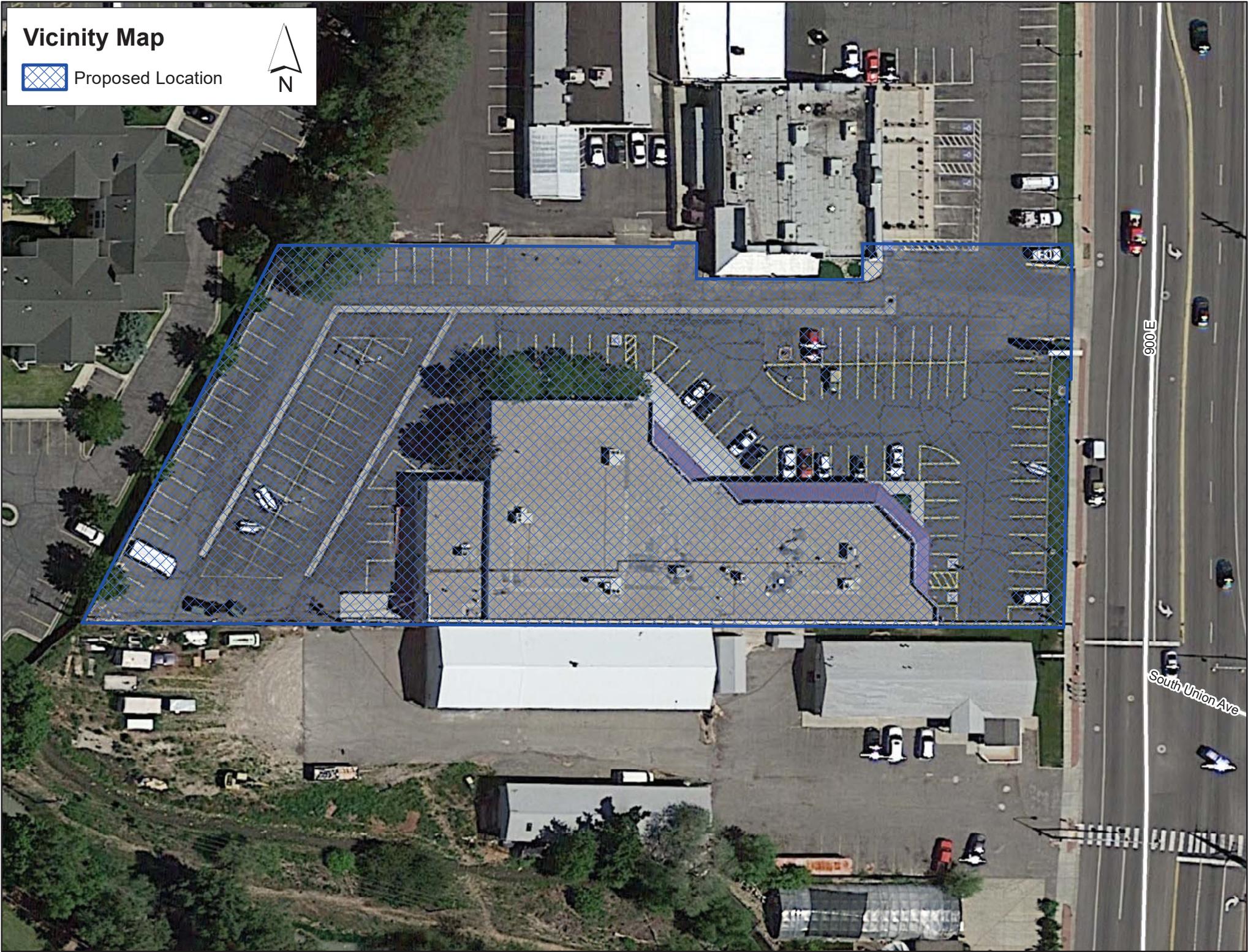
ATTACHMENTS:

- Vicinity Map
- Site Plan
- Submittal Documents

PUBLIC NOTICE: No Yes

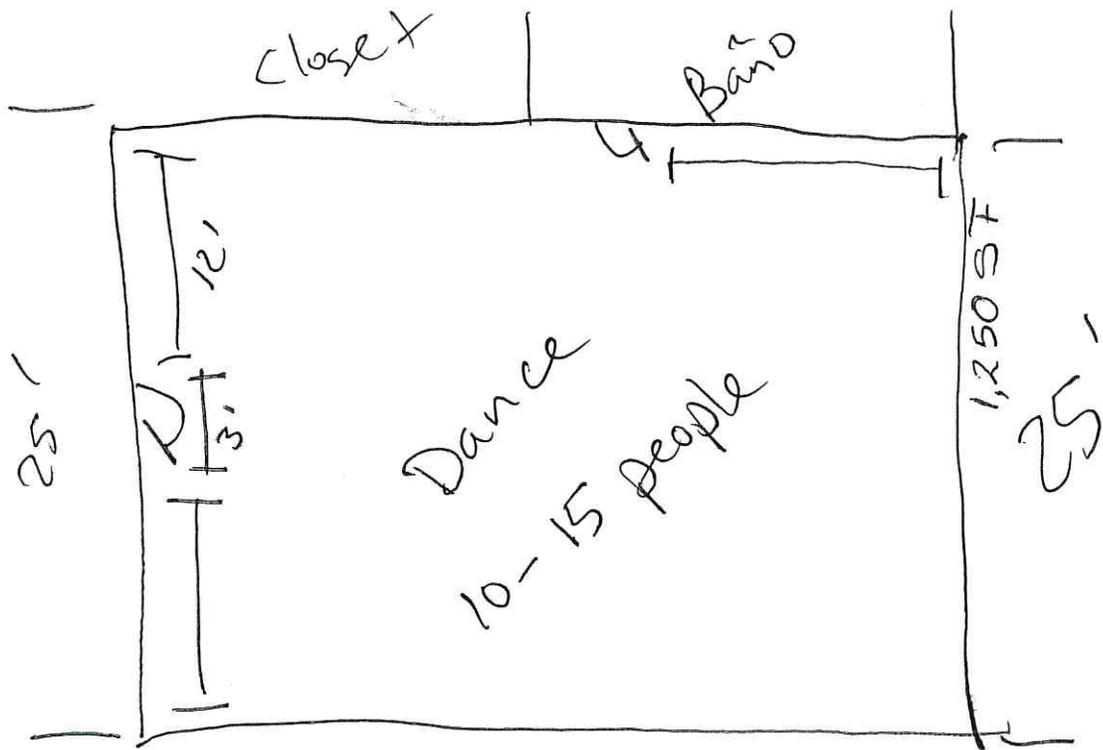
Vicinity Map

 Proposed Location



900 E

South Union Ave

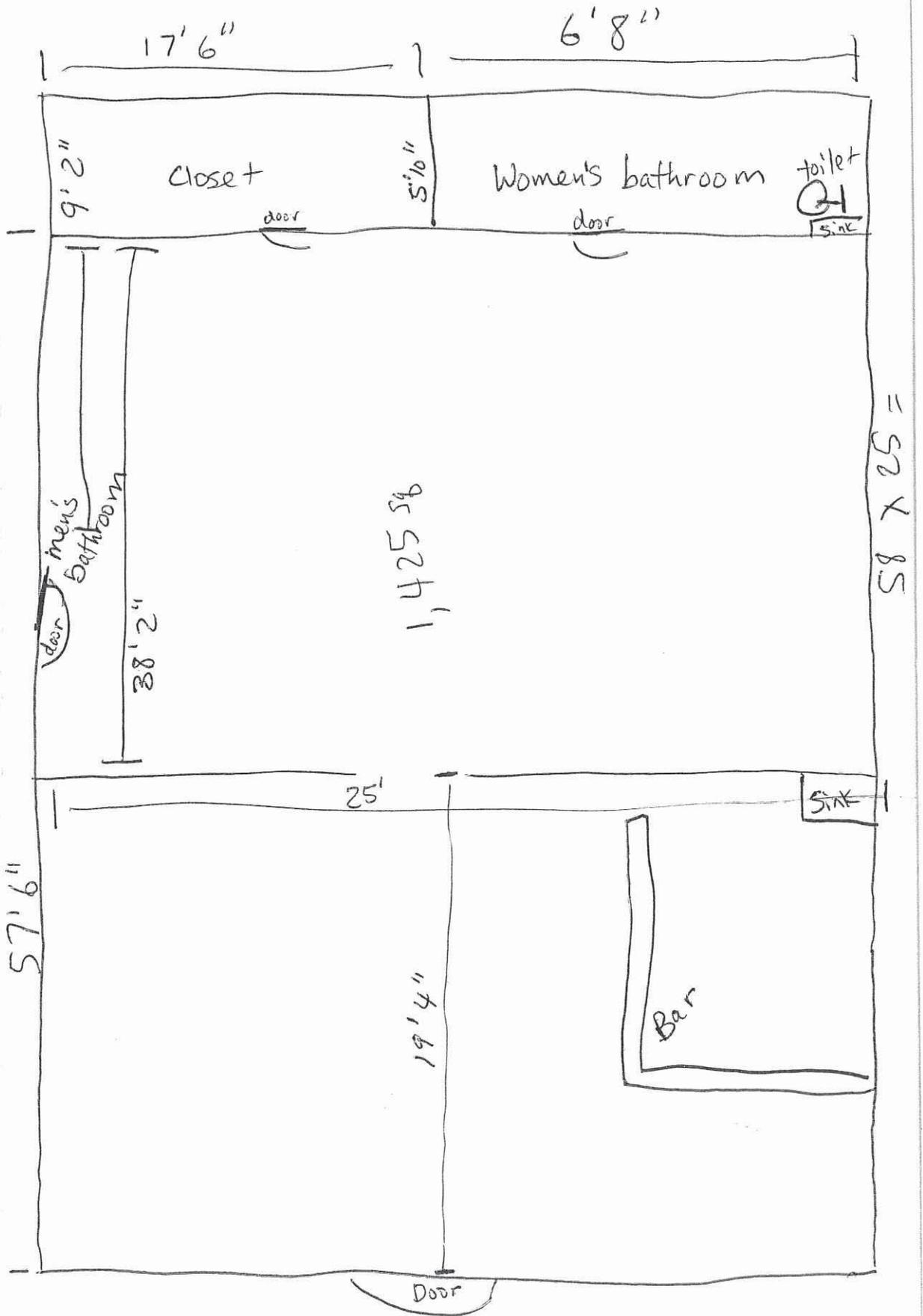


1/4 5'
1/2 10'

	Dance	7 PM
Monday	—	8-9 PM
Tuesday	—	8-9 PM
Wednesday	10am-11am	8 PM-9 PM
Thursday		8 PM - 9 PM
Friday	10am-11am	8 PM-9 PM
Saturday		10am-11am

DRINKS

7am - 10:00am MON - SAT.



Re: Conditional Use Permit application

lourdes vega <laluvega1984@gmail.com>

Sent: Thu 6/2/2016 7:23 PM

To: Matthew Hilderman <mhilderman@midvale.com>

It is only for adults. There are 10-15 adults per class.

There are no employees. It is our own business, and we are the only ones that work to make the shakes.

The instructors are not employees, and they own their own business. There is one instructor per class, and one to two classes per night. Most of the time the same 10-15 people will take both classes, and purchase two items from the bar.

Does that answer all of your questions about our business?

Thanks,

Lourdes

"Matthew Hilderman" <mhilderman@midvale.com> wrote:

Lourdes Vega –

This message concerns your CUP application for Salud es Bienestar that is proposed to be reviewed at the June 8th Planning Commission meeting.

Please address the following questions concerning our initial review:

- Is the dance instruction for children only? If so, what is the age range?
- Is the dance instruction for adults too?
- How many employees/instructors are proposed for each class size?
- You identified 10-15 people on the application. Is this 10-15 people per class/per night?
- How many employees are proposed for the juice bar?

Thanks –

Matt Hilderman

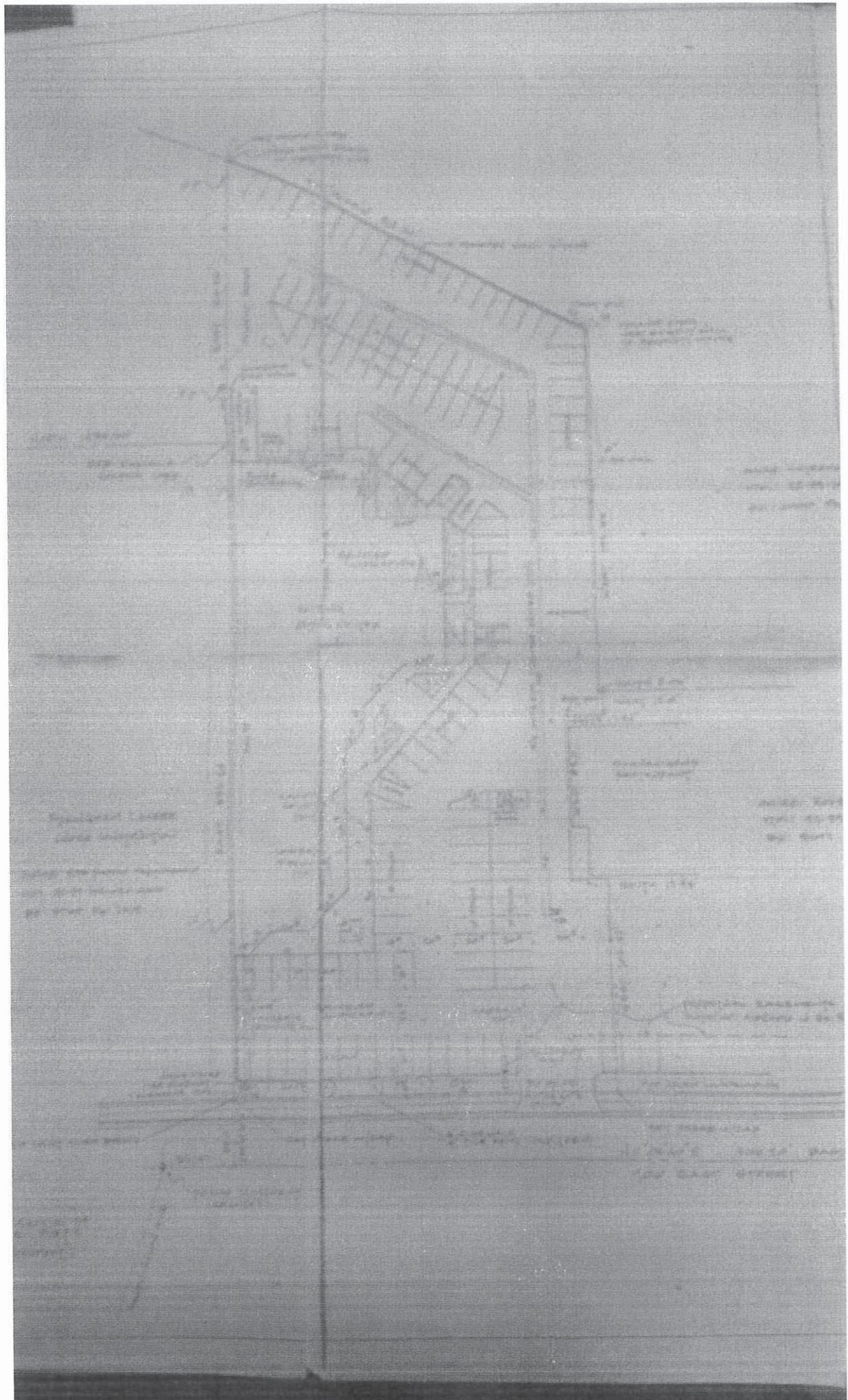
Midvale City Associate Planner

7505 South Holden Street

Midvale, Utah 84047

(w) [801-567-7231](tel:801-567-7231)

mhilderman@midvale.com





11

20

28

4

4

25

40

Total On-site Parking Stalls = 132

Midvale City
Department of Community Development
Planning and Zoning

Planning and Zoning Commission Staff Report

APPLICATION:	Zoning Ordinance Text Amendment – Create a Residential Overlay within the Regional Commercial Zone
LOCATION:	RC Zone District
APPLICANT:	City Staff
REQUEST:	Text Amendment
MEETING DATE:	June 8, 2016
ZONING DESIGNATION:	RC Zone District
AUTHOR:	Lesley Burns, City Planner
APPLICABLE ORDINANCE(S):	17-3-1
AGENDA #:	2

SUMMARY:

Currently, the Regional Commercial (RC) zone does not allow residential development. In order to create a critical mass to help support and increase the vitality of existing and future commercial development and better utilize the existing properties in the RC zone, Staff has prepared a proposed text amendment creating a new overlay that could allow medium and high density residential and mixed-use development in this zone. The proposed overlay includes the following:

- Applicable only in the RC zone.
- Requires property to be rezoned in conjunction with a proposed site plan and development agreement to ensure the development fulfills the goals of the overlay.
- Allows up to 85 units per acre and 75 feet in height (measured to the highest occupied floor – does not include roofs, parapets, and elevator overruns/stairs).
- Site open space and landscape area, as well as outdoor recreational amenities, are calculated as a whole and required to be 30% of the site. Outdoor recreation amenities can occur at elevated plazas/roofs.
- More flexible building materials with emphasis on ground floor design, i.e. minimum percentages of glass, limited blank walls.
- Allows up to 25% reduced parking through shared use based on demonstrated parking analysis for the project.
- Allows additional interior signage.

Attachment A includes the proposed language for this new overlay that would become a separate chapter in the overall zoning ordinance.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission considers the proposed amendment, including any public comment received. The Planning Commission can approve the amendment as proposed, make specific changes to the language proposed, or recommend no changes be made to the current ordinance.

RECOMMENDED MOTIONS:

“I move that we forward a recommendation to the City Council to:

Option 1: *create a new overlay allowing residential uses in the Regional Commercial zone as proposed in Attachment A.”*

Option 2: *create a new overlay allowing residential uses in the Regional Commercial zone as proposed in Attachment A, but with the following changes:*

- 1. . . .*
- 2. . . .”*

Option 3: *not create a residential overlay for the Regional Commercial zone.”*

ATTACHMENT:

- Attachment A – proposed text amendment language

PUBLIC NOTICE: No Yes

ATTACHMENT A

Chapter 17-7-12.1 Regional Commercial Residential Overlay

Sections:

- 17-7-12.1.1 Purpose.
- 17-7-12.1.2 Use Table.
- 17-7-12.1.3 Medium and High Density Residential and Mixed-Use Standards.
- 17-7-12.1.4 Site Design Requirements.
- 17-7-12.1.5 Parking and Access.
- 17-7-12.1.6 Architectural Standards.
- 17-7-12.1.7 Utilities.
- 17-7-12.1.8 Development Agreement Required
- 17-7-12.1.9 Signage.

17-7-12.1.1 Purpose.

The Midvale City General Plan identifies the Fort Union Area and 7200 South corridor between I-15 and State Street as “Opportunity Areas” of the City. Opportunity Areas are defined as those where changes in the types and/or intensities of current land uses are anticipated. Encouraging a mix of residential and commercial uses is important to provide the critical mass necessary to support the existing commercial, attract new, viable businesses to the area and support the growth of the region. This overlay zone implements the goal of supporting and enhancing existing commercial areas by providing standards for the development of medium and high density residential and mixed use developments within the Regional Commercial zone. This chapter informs the owners of the standards that will be applied in approving or disapproving proposed developments. A development plan including site layout, parking, landscaping, architecture and relationship to the surrounding commercial development shall be submitted along with a request to apply the Residential Overlay zone to any parcel within the Regional Commercial Zone.

To utilize the Regional Commercial Residential Overlay, it must be demonstrated the proposed development fulfills the following goals:

**Chapter 17-7-12.1
Regional Commercial Residential Overlay**

- A. Provides critical mass necessary to help facilitate the transition of regional commercial shopping centers into vibrant mixed-use developments;
- B. Creates a consistently high quality urban environment;
- C. Enhances the investment of those locating within the Regional Commercial zone;
- D. Promotes economic development by increasing the utilization of existing parcels within current developments;
- E. Eliminates large underutilized surface parking areas by utilizing alternate parking methods, including but not limited to structured parking and shared parking;
- F. Provides compatibility between residential and commercial uses to create a comfortable environment for both shoppers and residents; and
- G. Provides pedestrian connections within and among developments to support pedestrian activity in existing auto-oriented developments and encourages pedestrian movement.

17-7-12.1.2 Use table.

If a use is not specifically designated, then it is prohibited.

Table 17-7-12.1.2

Uses

Type	Allowed	Administrative	Conditional	Business License
Multi-Family			X	
Mixed-Use*			X	

*Allowed commercial uses within a mixed use building shall be subject to the use list in Table 17-7-12.2 and conditional use standards in Section 17-7-12.9 where applicable.

Chapter 17-7-12.1
Regional Commercial Residential Overlay

17-7-12.1.3 Medium and high density residential and mixed-use development standards.

The following development standards apply to all new development:

A. Lot Size. No minimum lot size, but must be sufficient to accomplish the goals of the Residential Overlay.

B. Setbacks. New development shall comply with the following setbacks:

1. Front. When adjacent to a public road, the minimum front yard landscaped setback is fifteen feet, subject to the exceptions noted below. Corner lots have two front yards. The front yard setback is measured from the property line. The front yard setback is a build-to line. At least fifty percent of the front elevation must be built within three feet of the build-to line. The structure may be set back an additional fifteen feet to allow for the inclusion of a courtyard. The Planning Commission may also modify this requirement for changes in wall plane due to architectural features or if the site is encumbered by curvilinear roads and/or property lines.

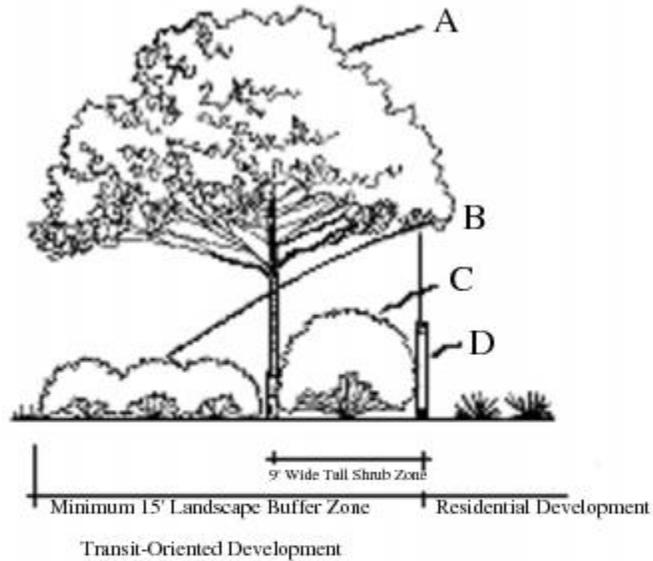
Exceptions:

- a. Canopies at least eight feet above ground level may project up to five feet.
 - b. Balconies on second stories and above may project up to five feet.
 - c. Projections such as sills, cornices, eaves, and ornamental features may project up to two and one-half feet.
2. Rear. There is no rear yard setback except as required by the International Building Code and landscape buffers.
3. Side. There is no side yard setback except as required by the International Building Code and landscape buffers.
4. Single Family Setback. The minimum setback from the property line, when adjacent to a single family residential zone, is fifteen feet, subject to the following exceptions:
- a. Three-story structures must be set back thirty-seven feet; four-story structures must be set back sixty-six feet; and five-story structures must be set back eighty-three feet; six-story structures must be setback one hundred feet; and seven-story structures must be setback one hundred sixteen feet. Structures can have stepped building heights to accommodate setbacks.

**Chapter 17-7-12.1
Regional Commercial Residential Overlay**

b. Residential Buffer. New development shall provide a minimum fifteen-foot landscaped buffer consisting of large trees, shrubs, and a six-foot screening wall as approved by the planning commission. The screening wall shall be constructed of wood, metal, brick, masonry or other permanent materials along all property boundaries adjacent to single family residential zones.

Residential Buffering Standard



- A – Large (Class 3) trees 30' on center (alternate with 8' tall evergreens)
- B – Low shrub buffer
- C – Tall shrub zone (8' – 10' mature height)
- D – Six-foot-tall screening wall as approved by commission

C. Density. The maximum density for residential development is 85 units per acre.

D. Snow Removal. A plan for snow removal and/or storage shall be submitted for review by the planning staff.

17-7-12.1.4 Site Design Requirements

The following standards apply to all new development and to the expansion by more than twenty-five percent of an existing building mass or site size in the zone:

Chapter 17-7-12.1
Regional Commercial Residential Overlay

A. Landscaping. The applicant shall professionally landscape the lot, according to an approved landscape plan, as a condition precedent to receiving a certificate of occupancy for all commercial uses. The community development director shall evaluate landscape plans for all permitted uses. The planning commission shall evaluate landscape plans for conditional uses. Landscape plan approval is a condition precedent to issuance of a building permit for the parcel. All landscaping shall be in place prior to issuance of a certificate of occupancy, unless seasonal conditions make installation unfeasible, in which case the applicant shall provide cash security or its approved alternative for all landscaping, which landscaping shall be installed by the following May 31st.

1. Minimum Landscaped Area. The applicant must landscape a minimum of ten feet between the side yard or rear yard and the abutting property line when the side or rear yards are in public view.
2. Building Foundation Landscaping. The ground adjacent to the building foundation must be landscaped if it is visible from public vantage points.
3. Street Frontage Tree Requirements. An applicant shall provide at least one street tree for each thirty lineal feet of frontage. Street frontage trees may be clustered or spaced linearly in the park strip as provided in an approved landscape plan.
4. Minimum Number of Trees. A minimum of one tree for every four hundred square feet of landscaping is required for all landscaped areas. Street trees may be included in calculations in order to meet this requirement.
5. Landscaped setback from edge of public right-of-way. The landscaped setback from the edge of a public right-of-way shall be fifteen feet.
6. Plant Materials. Areas requiring landscaping shall be planted with substantial live plant material including: plants, shrubs, trees, sod, etc., for the purpose of buffering, screening, and improving the visual quality of the site.
 - a. Types of Vegetation. At least twenty-five percent of the landscaping must be evergreen. Up to twenty-five percent of the landscape area can include specialty paving, street furniture, and outdoor seating areas. Trees that are planted in the park strip shall meet the specifications described in the standard construction specifications of Midvale City.
 - b. Size of Trees. The following standards apply to the use of plant and tree material.

Chapter 17-7-12.1
Regional Commercial Residential Overlay

- i. Deciduous Trees. All deciduous trees shall have a minimum caliper size of two inches.
 - ii. Ornamental Trees. All ornamental trees shall have a minimum caliper size of one and one-half inches.
 - iii. Evergreen Trees. All evergreen trees shall have a minimum height of six feet.
7. Standards of Title 17-7-12.6 (5) – Irrigation/Planting Plan.
8. Vegetation Protection. The property owner must protect existing significant vegetation during any development activity. Development plans must show all significant vegetation within twenty feet of a proposed development. Prior to certificate of occupancy, the property owner must demonstrate the health and viability of all large trees through a certified arborist.
9. Removal. No landscaping may be removed without replacement of equal or better quality. This shall include the installation of healthy plant materials as well as a tree for tree replacement as governed by this section.
10. Upgrading Pre-Existing Landscaping. The applicant must bring pre-existing landscaping into compliance with this code.
11. Crime Prevention Through Environmental Design (CPTED). The plan must demonstrate how CPTED principles will be used in the design and layout of buildings, streets, accesses and open space areas. Design shall promote natural surveillance, access control, territorial reinforcement, sense of ownership, and maintenance. CPTED landscaping guidelines shall be used, including planting shrubs with a maximum height of three feet and trees with a proper ground clearance of six feet above walkways and sidewalks and eight feet above vehicular travel and parking lanes. To encourage public safety through natural surveillance, natural access control, and territorial reinforcement, blank walls are not permitted adjacent to streets, pedestrian areas, and open space amenities. Symbolic barriers, such as low lying fences/walls, landscaping and signage shall be used to discourage crime and to promote safety. Ground floor parking garages shall not be permitted immediately adjacent to streets. Developments shall have street side building elevations with extensive windows, and with balconies, decks or landscape terraces encouraged.

Chapter 17-7-12.1
Regional Commercial Residential Overlay

B. Fencing. Unless the applicant can demonstrate a need for fencing for the protection of recreational amenities or the screening of necessary ground level equipment and service areas, fencing is prohibited. Fencing around recreational amenities shall be designed to be visually open as with wrought iron or similar material.

C. Open Space, Landscaping and Outdoor Recreational Amenities. The applicant shall improve a minimum of thirty percent (30%) of the interior of the proposed development area as open space, landscaping and outdoor recreational amenity areas. These areas include such improvements as landscaped areas not less than five feet wide, landscaped setbacks, elevated plazas, walkways, paths, and outdoor recreation spaces such as pools, playgrounds, etc. Improved, common recreational amenities shall be concentrated into larger, more functional areas as much as possible.

D. Common Recreational Amenities. The applicant shall provide appropriate recreational amenities for the project. This shall be demonstrated to the Planning Commission as part of its review and approval of the project. These amenities can be indoor and/or outdoor facilities.

E. Pedestrian Connections. Walkways of at least five feet in width shall be incorporated within and between developments where possible. Where walkways cross roads or driveways, stamped concrete or asphalt, or other distinguishable material, shall be used to construct crosswalks.

17-7-12.1.5 Parking and Access

An applicant for new development must provide off-street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles. If any land, structure, or use is changed to create more off-street parking demand, the owner must provide additional off-street parking for the new use as required by this chapter. Off-street parking and development access shall meet the following standards:

A. Parking Ratio Requirements. Required parking must be on-site unless the Planning Commission allows such parking on adjacent or nearby deed-restricted lots. Off-street parking shall meet the following standards; however, the Planning Commission may grant a reduction of up to twenty-five percent of the required parking upon an applicant's demonstration of opportunities for shared parking within a mixed-use area or appropriate on-street parking.

Table 17-7-12.1.5

Parking

**Chapter 17-7-12.1
Regional Commercial Residential Overlay**

Uses	Parking Requirement (Number of Spaces)
Multi-Family	
Studio and 1 Bedroom units	1.0 stalls per unit
2 Bedroom units	2.0 stalls per unit
3+ Bedroom units	2.5 stalls per unit
Guest parking	1.0 stalls per 4 units, unless Planning Commission determines fewer stalls are needed based on available shared parking with an office use
Commercial Uses	subject to standards in Table 17-7-8

B. Driveway Widths and Parking Lot Standards. The following driveway width dimensions and parking lot standards apply to all new development and to the expansion by more than twenty-five percent of an existing building mass or site size. The city engineer may approve minor variations (equal to or less than ten percent) in driveway width and spacing.

1. Parking. No parking is allowed within the required front yard setbacks.
 - a. If a parking lot or driveway to a parking lot is proposed to abut a residential use, the applicant must screen the lot or drive and provide adequate sight distance triangle.
 - b. Required Landscaping. The following landscaping standards apply to new development:
 - i. Parking areas with more than four stalls must have perimeter landscaping of at least five feet in width;

**Chapter 17-7-12.1
Regional Commercial Residential Overlay**

iii. Parking areas with over fifteen spaces shall provide landscaped islands at the end of each parking row, an island for every fifteen spaces, and perimeter landscaping of at least five feet in width.

2. Driveway Standards. For all new development, driveways shall comply with the following standards:

- a. No driveway shall be less than fifty feet from intersecting rights-of-way.
- b. Driveways that exceed fifteen feet in width at the lot frontage must be separated by a landscaped area of at least twelve feet in width and ten feet in depth.
- c. Development Requiring Five or More Parking Spaces. The minimum two-way drive width is twenty-four feet. The maximum two-way drive width is thirty-six feet.
- d. Development Requiring Four or Fewer Parking Spaces. The minimum two-way drive width is twenty feet. The maximum two-way drive width is thirty feet.

3. Spacing. New development shall provide the following:

- a. A minimum of seventy-five feet spacing between major driveways is recommended. Shared use of drives is strongly recommended.
- b. Centerline. The centerline of intersections of the driveways of major traffic generators entering from opposite sides of roadway must be either perfectly aligned or offset by a minimum of one hundred fifty feet.
- c. Deviations. The city engineer may approve minor spacing deviations (equal to or less than ten percent).

Table 17-7-12.1.5

Spacing

Street Classification	Minimum Spacing Between	Minimum Spacing From Intersection

**Chapter 17-7-12.1
Regional Commercial Residential Overlay**

	Driveways (feet)	(feet)
Local	15	50
Collector	50	75
Arterial	75	150

4. Surfacing. Parking areas and driveways must be hard-surfaced, maintained in good condition, and clear of obstructions at all times.

5. Parking Space Dimensions. All new commercial development shall provide parking spaces of the following minimum dimensions. The city engineer may approve minor (equal to or less than ten percent) variations in parking space dimensions.
 - a. Parking spaces must be nine feet wide by eighteen feet long;
 - b. ADA parking space width requirements vary and shall be consistent with current Building Code standards; and
 - c. Compact spaces with dimensions of nine feet wide by sixteen feet long may be provided. These spaces are not code spaces for the purpose of satisfying parking requirements.

6. Grading and Drainage. Parking shall be graded and constructed as follows:
 - a. Parking areas must be graded for proper drainage with surface water diverted to keep the parking area free of accumulated water and ice;
 - b. Adequate control curbs must be installed to control drainage and direct vehicle movement;
 - c. Parking area drainage must be detained on-site, treated (if required by NPDES), and channeled to a storm drain or gutter as approved by the city engineer;
 - d. Driveways may not exceed a ten percent slope.

Chapter 17-7-12.1
Regional Commercial Residential Overlay

7. Street Access and Circulation. New commercial development shall provide the following:
- a. Off-Street Parking. Off-street parking areas must have unobstructed access to a street or alley. The parking area design for five or more vehicles must not encourage cars to back onto adjoining public sidewalks, parking strips, or roadways. With the exception of permitted tandem parking, parking spaces shall be independently accessible and unobstructed.
 - b. Corner Lots. No landscape obstruction is allowed in excess of two feet in height above street grade within the sight distance triangle. A reasonable number of trees with lower branches pruned to six feet to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by administrative permit.
 - c. Driveway Access. For corner lots, the triangular area is defined by the intersection of the road right-of-way, the line extending from the point-of-curve at the top-back-of-curb, and a line connecting them at points twenty-five feet from their intersection.
 - d. Drive-Through Developments. Applicants for all drive-up or drive-through service windows or facilities must provide sufficient stacking space for vehicles waiting for service, to prevent vehicles from waiting in the right-of-way.
 - e. Common Driveways. To encourage the location of parking in the rear yard and/or below grade, the city allows common driveways along shared side yards to provide access to parking if the owner restricts the deeds to both properties to preserve the shared drive in perpetuity.
 - f. Off-Street Loading Spaces. Every structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle must provide and maintain adequate space for standing, loading, or unloading services off-street.
 - i. All such loading areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any front yard or in any street or right-of-way.
 - ii. Loading docks and loading areas must be screened from adjoining property and public rights-of-way.
- C. Parking Garages and Structures. Parking garages and structures shall meet the following standards:

Chapter 17-7-12.1
Regional Commercial Residential Overlay

1. Parking structures shall include pedestrian walkways and connections to the sidewalk system. These shall be clearly marked and continuous in design.

2. This zoning ordinance is intended, among others, to encourage the use of parking structures and discourage the use of surface parking. Therefore, the Planning Commission may waive one or all of the following requirements if an architect can demonstrate that the requirement in question is not feasible and when the architect has utilized other architectural methods to blend the structure with neighboring structures and screen the visual impacts of the structure.
 - a. Parking structures shall contain ground level retail, office or display windows along all street-fronting facades of the parking structure. Parking structures with street frontage in primarily residential areas may utilize residential units or residential architecture that reflects surrounding residential units to mask the visual impact of the parking structure.
 - b. Parking structures that are not located adjacent to or within clear sight of a public street or other major transportation thoroughfare shall utilize plant material as screening to minimize the visual impact of the parking structure.
 - c. Parking structures shall be designed with an architectural theme similar to the adjoining structures. Openings that face and can be seen from major vehicular and pedestrian thoroughfares shall be of similar size and, whenever possible, shape to those found on adjacent buildings.
 - d. Walls, materials, patterns, colors, roof forms, and front entryways shall conform to the standards for all buildings in the applicable project area and shall reflect those used for adjacent buildings.
 - e. Parking stalls shall be a minimum of nine feet (9') by eighteen feet (18').
 - f. The minimum aisle width is twenty-four feet.
 - g. The parking structure must be designed to ensure that each required parking space is readily accessible, usable and safe for automobiles and pedestrians.
 - h. Parking stalls located adjacent to walls or columns shall be one foot wider than the minimum required width to accommodate door opening clearance and vehicle maneuverability.

**Chapter 17-7-12.1
Regional Commercial Residential Overlay**

D. Access Management. All new development and an expansion by more than twenty-five percent of an existing building mass or site size shall comply with the following access management standards:

1. All driveways and curb cuts shall be installed according to the standards and specifications contained in the Midvale City Construction Standards and Specifications handbook. Curb cuts for pedestrian access shall orient toward each street frontage.
2. All newly installed driveways shall align with any existing commercial access across the street. The Planning Commission may allow deviations to the requirement, provided the city engineer finds the driveway to be acceptable based on but not limited to access placement, traffic generated, and pedestrian and vehicular circulation.
3. New development or modifications to existing development shall not propose parking in such a way that users may be allowed to back onto public rights-of-way.
4. Existing nonconforming driveways within the zone shall be retired upon construction of a new building or the expansion of the area of an existing building or site by twenty-five percent or more.
5. Shared driveways between and among parcels are encouraged and allowed if the parties execute and record an easement, or a deed of dedication, in a form approved by the city attorney to ensure access in perpetuity for both parcels.

E. Outdoor Lighting Standards. LED light sources are the only allowed light sources for outdoor lighting. Light levels should be designed with minimum light trespass off-site by using a cut-off luminaire that is fully or partially shielded with little or no light distributed above the horizontal plane of the luminaire or other best practices that are available.

1. Maximum Light Distribution. For uniformity in lighting and prevention of shadows, a four to one uniformity ratio shall occur over the site, excluding canopy areas and main building entrances. The maximum allowed average horizontal luminance level and light source shall be as noted in the following table:

Use	Maximum Average Footcandle	Light Source

**Chapter 17-7-12.1
Regional Commercial Residential Overlay**

Use	Maximum Average Footcandle	Light Source
Building entrance	5 f.c.	LED
Residential	2 f.c.	LED
Mixed -use	2 f.c.	LED

2. Pole Height/Design/Height. Luminaire mounting height is measured from the parking lot or driveway surface, and may range from sixteen feet to thirty-five feet, based on:

- a. Review of the site plan;
- b. Proposed land uses;
- c. Surrounding land uses;
- d. Parking area size;
- e. Building mass;
- f. Location of the site with respect to other lighting sources;
- g. Impacts on the adjacent properties;
- h. Topography of site; and
- i. Other site features.

3. Large Parking Areas. Poles higher than twenty feet are appropriate only for parking areas exceeding two hundred stalls and not in close proximity to single family residential areas.

Chapter 17-7-12.1
Regional Commercial Residential Overlay

4. Design Standard.
 - a. If metal fixtures or poles are used they should be black or dark brown;
 - b. The base of the pole shall be treated with paint, stain, stucco or another form of decorative cover. All attempts shall be made to place the base of light poles within landscape areas;
 - c. Wall-mounted lighting fixtures may not exceed eighteen feet in height; and
 - d. Lighting located along pedestrian pathways or in areas primarily dedicated to human activity may not exceed twelve feet in height.
5. Submission Requirements. An application for development with outdoor lighting must contain the following:
 - a. Plans indicating the location on the premises, and the type of illumination devices, fixtures, lamps, supports, reflectors, installation and electrical details;
 - b. Description of illuminating devices, fixtures, lamps, supports, reflectors, and other devices that may include, but is not limited to, manufacturer catalog cuts and drawings, including section where required; and
 - c. Photometric data, such as that furnished by manufacturers, or similar showing the angle of the cut off or light emission. A point-by-point light plan may be required to determine the adequacy of the lighting over the site.
6. Upgrading Pre-Existing Lighting. The applicant must bring pre-existing lighting into compliance with this code.

17-7-12.1.6 Architectural Standards

All new development must present an attractive streetscape, incorporate architectural and site design elements appropriate to a pedestrian scale, and provide for the safety and convenience of pedestrians.

1. Height. The maximum height for a structure is seventy five feet (75') to the highest occupied floor. Roof, parapet, elevator overruns and stairs may exceed the height limit. Building design and orientation should consider exposure to sunlight to avoid energy inefficiencies.

Chapter 17-7-12.1
Regional Commercial Residential Overlay

2. **Ground Floor Materials.** Other than windows and doors, eighty percent (80%) of the remaining ground floor wall area shall be clad in durable materials. Durable materials include brick, masonry, textured or patterned concrete and/or cut stone. Other materials may be used as accent or trim provided they cover twenty percent (20%) or less of the ground floor adjacent to a street. Other materials may be approved at the discretion of the Planning Commission.
3. **Ground Floor Glass.** The ground floor elevation facing a street or drive shall not have less than sixty percent (60%) glass surfaces for commercial & office uses and forty percent (40%) for residential uses between three (3) and eight (8) feet above grade. All ground floor glass shall be non-reflective and allow visibility into the building.
4. **Ground Floor Uses.** On the ground floor, a permitted or conditional use other than parking shall occupy at least seventy five percent (75%) of the width of any street facing building façade. The Planning Commission may reduce or eliminate this requirement based on architectural design, landscaping and siting.
5. **Maximum Length of Blank Walls.** The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the ground floor level along any street or drive facing façade shall be fifteen feet (15'). Changes in plane, color, texture, materials, scale of materials, patterns, art, or other architectural detailing are acceptable methods to create variety and scale as are architectural features such as bay windows, recessed entrances or windows, balconies, cornices, columns, or other similar architectural features. The architectural feature must be either recessed or project a minimum of twelve inches (12").
6. **Stucco.** The use of stucco should be limited to architectural relief and shall not exceed twenty-five percent of a front elevation or fifty percent of any elevation. The planning commission may determine, on a case-by-case basis, the architectural detail and excellence of a structure is such that the use of stucco in excess of this standard is warranted.
7. **Prohibited Materials.** Vinyl and aluminum siding products are prohibited as wall materials.
8. **Color Scheme.** The use of a single color scheme, minimal detailing, or blank (or largely blank) walls is not permitted.
9. **Screening.** Trash collection and recycling areas, service areas, mechanical equipment and loading docks shall be screened on all sides so that no portion of such areas is visible from public streets and alleys and adjacent properties. Required screening may include new and existing plantings, walls, fences, screen panels, doors, topographic changes, buildings, horizontal separation, or any combination thereof.

**Chapter 17-7-12.1
Regional Commercial Residential Overlay**

- a. All building equipment and service areas shall be located on the roof of the building or in the rear yard. These elements shall be sited to minimize their visibility and impact, or screened and enclosed as to appear to be an integral part of the architectural design of the building.
- b. Refuse containers shall be screened from view on all sides. Required screening may include new and existing plantings, walls, fences, screen panels, doors, topographic changes, buildings, horizontal separation, or any combination thereof. Screening fences, walls and/or plantings shall be one foot higher than the object to be screened. An opaque gate shall be included where required to complete screening.

17-7-12.1.7 Utilities.

All utilities within the proposed development shall be buried. The owner shall install conduit within the development's proposed right-of-way for the eventual burial of overhead utilities throughout the zoning district. If the planning commission finds, upon the review and recommendation of the city engineer, that such installation is not feasible at the time of development, the applicant shall bond for the future installation of said conduit. All underground conduit shall be installed in conformance with city standards as identified in City Construction Standards and Specifications.

17-7-12.1.8 Development Agreement

A development agreement, in a form satisfactory to the city attorney and city council, shall be required for new development to ensure the property owner complies with the provisions of the Overlay, conditional use permit and site plan approvals, and allowing the property owner the right to develop in accordance with the approved plan for a period up to, but not exceeding, ten years.

17-7-12.1.9 Signage.

All signage shall comply with Section 17-7-12.10. Residential structures shall be allowed one additional monument sign interior to the site. These signs shall comply with the following:

Table 17-7-12.1.9

Signs

Monument*	32 s.f.	6' (total)	At least 1 foot of pedestal. May be placed on berm, w/top of sign ≤ 9'; 3'
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Chapter 17-7-12.1
Regional Commercial Residential Overlay

			max. height in clear view triangle; $\geq 3'$ from sidewalk
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* A monument sign under this provision shall not exceed thirty-two square feet or six feet in height with a minimum one-foot pedestal, and shall be located in a landscaped area associated with a project entry or focal point. The applicant may forgo the one-foot pedestal if the landscaped area is improved with something other than turf. The sign may be located on a berm provided the top of the sign does not exceed nine feet in height above finished grade. Monument signs shall not be constructed within the clear view area and shall be set back at least three feet from a public sidewalk and property lines. The sign shall have, as the prominent feature, the name of the development (i.e., "Midvale Village," "Midvale Plaza," etc.). It is intended that the top two feet of the sign area be utilized to identify the name of the development. All other lettering shall be no taller than four inches in height. The lettering font style for tenant identification shall be the same for all tenants within the proposed development. Monument signs shall be constructed with materials similar to that of the surrounding building(s).

DRAFT

Midvale City
Department of Community Development
Planning and Zoning

Planning and Zoning Commission Staff Report

APPLICATION: **Zoning Ordinance Text Amendment – Adding Telecommunications Facilities Standards in the Public Facilities Overlay**

LOCATION: Public Facilities Overlay
APPLICANT: City Staff
REQUEST: Text Amendment
MEETING DATE: June 8, 2016
ZONING DESIGNATION: Public Facilities Overlay
AUTHOR: Lesley Burns, City Planner
APPLICABLE ORDINANCE(S): 17-3-1; 17-7-16
AGENDA #: 3

SUMMARY:

The Public Facilities Overlay is intended to provide for locations and standards for public facilities that are not generally identified with any specific zone district and may include characteristics and uses outside the scope of typical development. These facilities and uses are operated for the benefit of the community, providing services and support to the community. A need has arisen to provide for telecommunications facilities within this overlay. Staff has prepared a proposed text amendment adding specific review criteria for telecommunications facility uses within the Public Facilities Overlay. **Attachment A** includes the proposed standards language to be added to Section 17-7-16.6, as well as some clarifying language for the overall overlay chapter.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission considers the proposed amendment, including any public comment received. The Planning Commission can approve the amendment as proposed, make specific changes to the language proposed, or recommend no changes be made to the current ordinance.

RECOMMENDED MOTIONS:

“I move that we forward a recommendation to the City Council to:

Option 1: *amend the language in the Public Facilities Overlay to include review criteria for telecommunications facility uses as proposed in Attachment A.”*

Option 2: *amend the language in the Public Facilities Overlay to include review criteria for telecommunications facility uses as proposed in Attachment A, but with the following changes:*

1. . . .
2. . . .”

Option 3: *make no changes to the Public Facilities Overlay.”*

ATTACHMENT:

- Attachment A – proposed text amendment language

PUBLIC NOTICE: No Yes

ATTACHMENT A

Text Additions
Text Deletions

Chapter 17-7-16 PUBLIC FACILITIES OVERLAY ZONE

Sections:

- [17-7-16.1](#) Purpose.
- [17-7-16.2](#) Uses.
- [17-7-16.3](#) Review process.
- [17-7-16.4](#) Criteria—Required findings.
- [17-7-16.5](#) Development agreement.
- [17-7-16.6](#) Specific review criteria for certain public facility uses.
- [17-7-16.7](#) Modification to use or plan.
- [17-7-16.8](#) Related provisions.

17-7-16.1 Purpose.

The purpose of the public facilities overlay zone is to provide for locations and appropriate standards for a range of public uses conducted by governmental and specified agencies. These uses are operated for the benefit of the community, and provide basic services and essential support services for the community. Because of the nature of these uses, they are generally not identified with any specific zone district, having the need to locate in areas that best serve the community. The overlay zone allows the city council, through its legislative discretion, to provide for areas in which to locate public facilities to best support the community in a cost effective and efficient manner. It is the intent of this overlay to protect neighboring private uses from incompatible public uses and ensure the impacts associated with the public uses are appropriately mitigated.

17-7-16.2 Uses Public Facilities.

The following uses are defined as public facilities, and may be allowed in a public facilities overlay zone. These uses public facilities must be conducted operated by a governmental or specified agency. If a use facility is not specifically designated, it is prohibited cannot be considered under this overlay.

- A. Government buildings.
- B. Fire station.
- C. Police station.

- D. Park/playground.
- E. Recreation and community center.
- F. Library.
- G. Educational institution.
- H. Cemetery.

17-7-16.3 Review process.

The review process for all applications intended to utilize the public facilities overlay zone shall follow the process outlined in Section [17-3-1](#), Amendments to the zoning code or map. The application shall include a binding site plan, which shall be reviewed in conjunction with the proposed use. The public facilities overlay rezone is contingent upon approval of the site plan. The site plan shall include the information required in Section [17-3-3\(E\)](#), Site Plan Review.

17-7-16.4 Criteria—Required findings.

The planning commission may recommend and the city council may grant approval of a public facilities overlay zoning designation only if it determines, in written findings, the application has demonstrated the following:

- A. There is a demonstrated need for the public facility within the community at large and it is not contrary to the public interest.
- B. The public facility is consistent with the goals and policies of the general plan, and applicable ordinances of the city where feasible.
- C. The public facility is located, planned and developed in such a manner that it is not inconsistent with the health, safety or general welfare of persons residing or working in the city. This includes, but is not limited to, the following:
 - 1. The generation of noise, noxious or offensive emissions, or other nuisances which may be injurious or detrimental to the surrounding area.
 - 2. The availability of public services to support the public facility, including utilities; vehicular, pedestrian and public transit systems; police; fire; education; and social and health services.

3. The adequacy of landscaping, screening and buffering, building setbacks, parking, open space, or other development characteristics necessary to mitigate the impact of the public facility on neighboring properties.
4. Proposed public facilities which exceed the bulk, height, density, or other use standards in the underlying zone must demonstrate such variances are essential to the function or operation of such facility. The development standards of the underlying zone and adjacent development shall be utilized where feasible.

D. The public facility complies with the specific review criteria for the use contained herein.

17-7-16.5 Development agreement.

The city council may find that a proposed public facility requires a development agreement to ensure the use and facility continue to operate in the manner consistent with the development approval. In this instance, a development agreement, in a form satisfactory to the city attorney and city council, wherein the property owner and service provider agree to comply with the provisions of the development approval, including any required on-site and off-site public improvements associated with the development, shall be made part of the development approval process.

17-7-16.6 Specific review criteria for certain public facility uses.

In addition to the foregoing, the following criteria must be satisfied in order to approve an application for each of the following uses:

A. ~~[Add at later date.]~~ Telecommunications facility. Each application for a telecommunications facility shall comply with the following criteria:

1. The telecommunications facility must be located with and designed as part of a public facility.
2. Evidence must be provided demonstrating the telecommunications facility location and configuration is necessary to provide transmission/reception coverage for an area that cannot otherwise be serviced by other telecommunications facility sites; and, without the proposed telecommunications facility, it would result in a public detriment.
3. The telecommunications facility shall be designed to allow for co-location of services for multiple providers if possible.

4. If the telecommunications facility includes a tower or pole above thirty-five feet in height, the structure shall comply with the following:

- a. The structure shall be located a minimum of 250 feet from an existing residential use.
- b. The maximum height shall be eighty-five feet.
- c. Not more than one tower or pole shall be considered for each public facility.

17-7-16.7 Modification to use or plan.

Modifications to a public facility shall be reviewed by the community and economic development department. If the community and economic development department determines the proposed modification is major, the major modification will require reapplication and reconsideration consistent with the process and requirements of this chapter.

Midvale City
Department of Community Development
Planning and Zoning Department

Planning and Zoning Commission Staff Report

APPLICATION: FAST GARAGE LLC
LOCATION: 6930 South 400 West, Ste. 3
APPLICANT: Bolivar Monjaraz
FILE #: CUP-21-24-376-008
REQUEST: CUP FOR VEHICLE RELATED USE - REPAIR
MEETING DATE: Wednesday, June 8, 2016
(Continued from 05/25/2016)
ZONING DESIGNATION: Clean Industrial (CI)
AUTHOR: Matt Hilderman, Associate Planner
APPLICABLE ORDINANCE (S): MMC Chapter 17-3-4, Chapter 17-7-13.2, Chapter 17-7-13.9
AGENDA #: 4

HISTORY:

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.

PLANNING COMMISSION MEETING

On Wednesday, May 25, 2016, this application was presented before the Planning Commission at their regularly scheduled meeting. During discussion and review of this application, including citizen testimonies concerning this proposed business, it was determined this application should be **tabled** until the applicant can provide the following:

- Prepare a business plan, showing how to make the space work solely as a repair garage and addressing the parking issue; or
- If vehicle sales are included in your proposal, resubmittal of a new application identifying all proposed uses and determine if these uses can comply.

The applicant has provided a revised business plan stating he will only proceed with vehicle repair. He also stated he has resolved the parking issue by removing his personal vehicles and only stores customer vehicles at this location. The applicant has also committed to store any vehicles inside prior to the businesses closing hours.

In reviewing this application and the above criteria, it appears this revised proposal will not be detrimental to the health, safety and welfare of people and businesses in the area, as long as the applicant can comply with any conditions proposed. There is an existing vehicle repair use approved to the 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.

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. Any vehicle sales are prohibited at this location.
5. The applicant shall comply with all requirements of the Building Official and Fire Marshal.
6. All requirements of the State regarding the storage and disposal of hazardous materials shall be satisfied at all time.
7. The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.
8. All signage shall comply with the sign requirements for the CI zone and sign permits obtained before such signage is installed.

RECOMMENDED MOTION:

“Based on the proposal’s compliance with the Conditional Use Permit criteria and the above analysis, I move to approve the Conditional Use Permit for Fast Garage, to be located at 6930 South 400 West, 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. *Any vehicle sales are prohibited at this location.*
5. *The applicant shall comply with all requirements of the Building Official and Fire Marshal.*
6. *All requirements of the State regarding the storage and disposal of hazardous materials shall be satisfied at all time.*
7. *The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.*
8. *All signage shall comply with the sign requirements for the CI zone and sign permits obtained before such signage is installed.”*

ADJACENT LAND USES:

North: CI (Clean Industrial)

South: CI (Clean Industrial)

East: CI (Clean Industrial)

West: CI (Clean Industrial)

ATTACHMENTS:

- Vicinity Map
- Business Plan
- Site Plan
- Submittal Documents

PUBLIC NOTICE: No Yes

I-15 Nb 7200 On Ramp

I-15 Nb Col 7200 On Ramp

I-15 NB To I-215s

400 W

Cottonwood St

VICINITY MAP



Proposed Location



Business Plan

BOLIVAR MONJARAZ <fastgarage.bm@gmail.com>

Sent: Wed 6/1/2016 6:39 PM

To: Matthew Hilderman <mhilderman@midvale.com>

I, Bolivar Monjaraz, owner of Fast Garage LLC. located at 6930 S. 400 W. in Midvale, Utah have decided to proceed with only car repair due to the lack of parking space and other requirements that are considered necessities in order to continue doing car sales. In order to solve the parking space problems I have removed all vehicles from the front of my two units, since the day of the last hearing, which was May 25th, 2016. No vehicles are being left overnight, and no more double parking.

This is a picture of the office of the unit i use for car repair



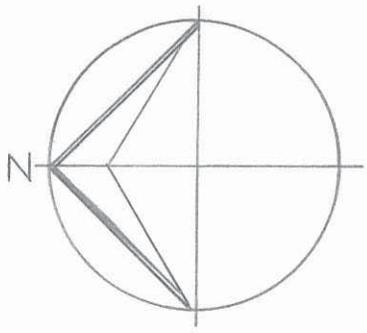
In this picture you can see that my two units have no vehicles located in the front, the two doubled parked cars you see in the photograph are owned by the tenant in unit #1



This is an example of how I have accommodated the parking space for my two units during busy business hours, the vehicles are moved prior to closing hour, these vehicles are all customer owned as I have disposed of all vehicles owned by myself



I will show compliance with any terms the state wishes me to agree to. As I have already shown by placing the removal of all vehicles from the outside of my units as my first priority. Any terms they would like me to agree with i will happily cooperate.



WINCHESTER ST.

TRACKS

PIZZA PIE

ENTRY TO SHOP

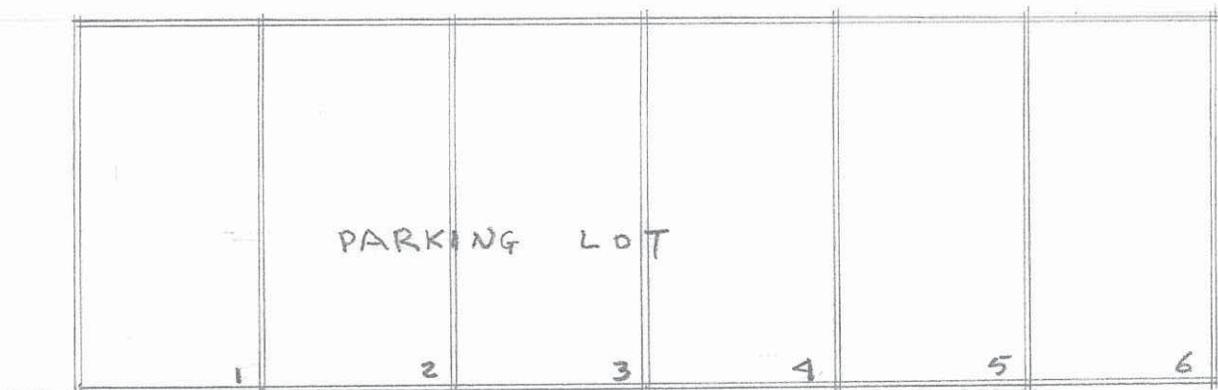
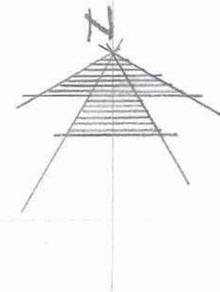
SHOP N°3
FAST GARAGE

400 W

7200 SOUTH

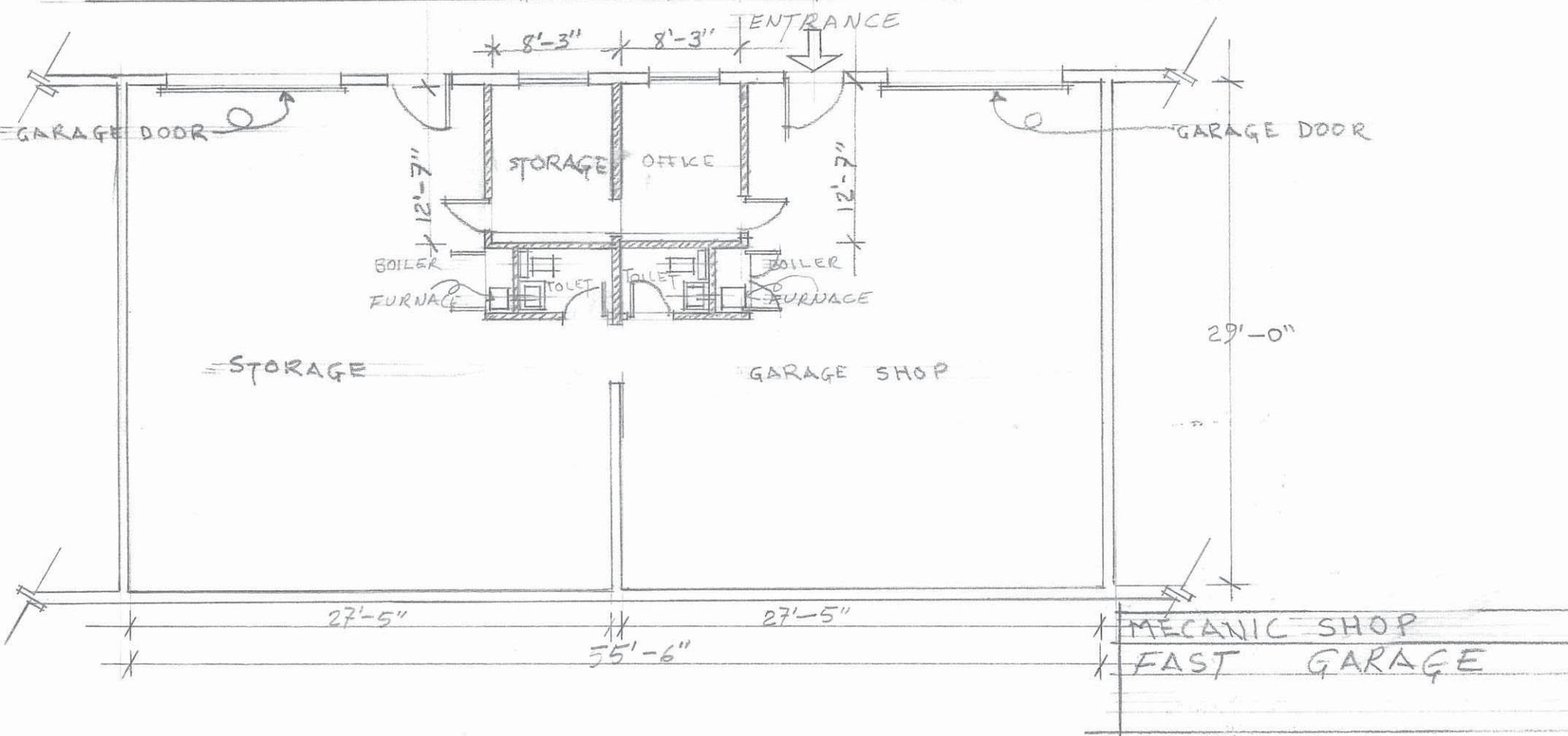
I-15 INTERSTATE

LOCATION SITE OF FAST GARAGE
SCALE: N/A



PARKING LOT

1 2 3 4 5 6



ENTRANCE

8'-3"

8'-3"

GARAGE DOOR

GARAGE DOOR

12'-7"

12'-7"

STORAGE

OFFICE

BOILER

BOILER

FURNACE

FURNACE

TOILET

TOILET

STORAGE

GARAGE SHOP

29'-0"

27'-5"

27'-5"

55'-6"

MECHANIC SHOP

FAST GARAGE



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

Memorandum

Date: Thursday, June 2, 2016

To: Planning Commission Members

From: Matt Hilderman, Associate Planner

Subject: Discussion Regarding Proposed Text Amendment to Amend the Height Limitations for Fences, Hedges, and Walls

The City Council has made a request to review our existing fence ordinance for Single-Family and Multifamily Residential Zones and suggested to increase the height from the existing six-foot (6') maximum limitation to an eight-foot (8') maximum limitation or higher.

The Municipal Code development standards for fences, hedges, and walls states the following:

“No fence or wall may exceed six feet in height, four feet in height in the front yard setback, nor three feet in the clear view triangle.”

This same language is also identified within the multifamily zones, some sections within higher-intensity zone districts, and in some areas an Administrative or Conditional Use Permit is required for fencing higher than six-feet (6').

Discussion with the Building Official determined there is language within the current and adopted 2012 IBC and IRC development codes that states fences not exceeding seven-feet (7') in height does not require a building permit for the construction of this feature. The Building Official also stated the City is preparing to adopt the 2015 IBC and IRC codes in July, 2016, where upon this language is continued.

During our initial discussion with the Planning Commission on April 27, 2016, the Commission requested that Staff provide some revised language proposing the increased fencing height and also language concerning standards that should be met to allow an increase.

Staff has provided three proposed examples for review and discussion. In summary, attachments address the following:

Attachment A – Increase from 6 ft. to 7 ft. of fence or wall (Allowed w/ no permit required)

**Attachment B – Increase from 6 ft. to 7 ft. of fence or wall (Allowed w/no permit required)
Increase to 8 ft. upon conditions being met; Z.A. may grant waiver**

Attachment C – Increase from 6 ft. to 8 ft. of fence or wall (Allowed w/ permit required)

ATTACHMENT A

Text Additions
~~Text Deletions~~

Chapter 17-7-1 SINGLE FAMILY RESIDENTIAL ZONE (SF-1)

Sections:

- 17-7-1.1 Purpose.
- 17-7-1.2 Use table.
- 17-7-1.3 Lot standards.
- 17-7-1.4 Development standards.
- 17-7-1.5 Neighborhood compatibility.
- 17-7-1.6 Fences, hedges and walls.
- 17-7-1.7 Landscaping.
- 17-7-1.8 Parking.
- 17-7-1.9 Accessory structures (unoccupied).
- 17-7-1.10 Master planned development.
- 17-7-1.11 Conditional use standards of review.
- 17-7-1.12 Home occupation standards.
- 17-7-1.13 Signs.
- 17-7-1.14 Duplex (two-family) overlay (OD) zone.
- 17-7-1.15 Agricultural overlay zone.
- 17-7-1.16 Related provisions.
- 17-7-1.17 Camping.

17-7-1.6 Fences, hedges and walls.

The following standards apply to new development of fences, hedges and walls:

- A. Required Setbacks. A fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures is permitted in the required setback if it meets the following conditions:
 - 1. All property lines are located in order to determine that no fence, hedge, or wall extends beyond or across a property line. A fence, hedge, or wall may cross a property line if an agreement with the abutting property owner is obtained;

2. No fence, hedge, or wall is placed nearer than six inches to any public sidewalk;
3. Any fence, hedge or wall placed within ten feet of a driveway may not exceed three feet in height if a sight obscuring solid material is used, such as wood, vinyl, etc.; and four feet if nonobscuring open materials are used, such as wrought iron, picket with gaps no less than width of slat, etc., for the first ten feet behind the sidewalk; and
4. No barbed wire or other sharp, pointed, or electrically charged fence may be erected or maintained, except a temporary fence on a construction site to protect the property during the period of construction may be topped with barbed wire where the barbed wire is not less than eight feet above the ground and does not extend more than two feet above the temporary fence.
5. All fences shall be constructed of quality materials that are specifically manufactured for fencing and shall not be constructed with any material that was originally made for other intentions. Unless specifically being used for a bona fide agricultural use, perimeter fencing within a residential area shall not be constructed from any material that was manufactured for an agricultural use such as chicken wire, deer fencing, hog wire, wire strands, t-stakes, or grape stakes.
6. All fences shall be maintained in a good condition by the property owner including compliance with the following standards:
 - a. The fence must be free of damage, breaks or missing components or parts.
 - b. Areas of the fence that are leaning more than twenty degrees from vertical, buckling, sagging or deteriorating must be repaired or replaced with materials and color similar to its original construction.
 - c. All metal style fences shall be treated in a manner to prevent rust.
 - d. Plant materials growing on fences within clear view areas, i.e., within ten feet of a driveway near a sidewalk (see required setbacks above) or within the clear view triangle area, shall be maintained at a maximum height of three feet.

B. Height. No fence or wall may exceed ~~six~~ seven feet in height, four feet in height in the front yard setback, nor three feet in the clear view triangle, measured as follows:

1. In a required yard abutting a street, the total effective height above the finished grade measured on the side nearest the street;
2. In any other required yard, the total effective height above the finished grade measured on the side nearest the abutting property;
3. On a property line, measured from the finished grade of either side when the abutting property owners are in agreement; and
4. A temporary fence on a construction site may be as high as required to protect the property during the period of construction.

C. Athletic Facilities. Fencing around athletic facilities, including, without limitation, tennis courts, may be fourteen feet in height so long as all portions above six feet in height are constructed with at least fifty percent non-opaque materials.

D. Nonconforming Fences/Conformance with This Section. No person shall construct a new or alter an existing fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures except in conformance with all of the requirements of this section. For purposes of this subsection, an altered fence is defined as replacing or changing more than sixty percent of the linear feet of an existing fence located in the front yard, replacing or changing more than sixty percent of the linear feet of an existing fence located in the back yard, or increasing the height of an existing fence. (Ord. 2011-03 § 1 (Att. A) (part); Ord. 11-13-2001 § 2 (part), 2001)

ATTACHMENT B

Text Additions
~~Text Deletions~~

Chapter 17-7-1 SINGLE FAMILY RESIDENTIAL ZONE (SF-1)

Sections:

- 17-7-1.1 Purpose.
- 17-7-1.2 Use table.
- 17-7-1.3 Lot standards.
- 17-7-1.4 Development standards.
- 17-7-1.5 Neighborhood compatibility.
- 17-7-1.6 Fences, hedges and walls.
- 17-7-1.7 Landscaping.
- 17-7-1.8 Parking.
- 17-7-1.9 Accessory structures (unoccupied).
- 17-7-1.10 Master planned development.
- 17-7-1.11 Conditional use standards of review.
- 17-7-1.12 Home occupation standards.
- 17-7-1.13 Signs.
- 17-7-1.14 Duplex (two-family) overlay (OD) zone.
- 17-7-1.15 Agricultural overlay zone.
- 17-7-1.16 Related provisions.
- 17-7-1.17 Camping.

17-7-1.6 Fences, hedges and walls.

The following standards apply to new development of fences, hedges and walls:

- A. Required Setbacks. A fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures is permitted in the required setback if it meets the following conditions:
 - 1. All property lines are located in order to determine that no fence, hedge, or wall extends beyond or across a property line. A fence, hedge, or wall may cross a property line if an agreement with the abutting property owner is obtained;

2. No fence, hedge, or wall is placed nearer than six inches to any public sidewalk;
3. Any fence, hedge or wall placed within ten feet of a driveway may not exceed three feet in height if a sight obscuring solid material is used, such as wood, vinyl, etc.; and four feet if nonobscuring open materials are used, such as wrought iron, picket with gaps no less than width of slat, etc., for the first ten feet behind the sidewalk; and
4. No barbed wire or other sharp, pointed, or electrically charged fence may be erected or maintained, except a temporary fence on a construction site to protect the property during the period of construction may be topped with barbed wire where the barbed wire is not less than eight feet above the ground and does not extend more than two feet above the temporary fence.
5. All fences shall be constructed of quality materials that are specifically manufactured for fencing and shall not be constructed with any material that was originally made for other intentions. Unless specifically being used for a bona fide agricultural use, perimeter fencing within a residential area shall not be constructed from any material that was manufactured for an agricultural use such as chicken wire, deer fencing, hog wire, wire strands, t-stakes, or grape stakes.
6. All fences shall be maintained in a good condition by the property owner including compliance with the following standards:
 - a. The fence must be free of damage, breaks or missing components or parts.
 - b. Areas of the fence that are leaning more than twenty degrees from vertical, buckling, sagging or deteriorating must be repaired or replaced with materials and color similar to its original construction.
 - c. All metal style fences shall be treated in a manner to prevent rust.
 - d. Plant materials growing on fences within clear view areas, i.e., within ten feet of a driveway near a sidewalk (see required setbacks above) or within the clear view triangle area, shall be maintained at a maximum height of three feet.

B. Height. No fence or wall may exceed ~~six~~ seven feet in height, four feet in height in the front yard setback, nor three feet in the clear view triangle, measured as follows:

1. In a required yard abutting a street, the total effective height above the finished grade measured on the side nearest the street;
2. In any other required yard, the total effective height above the finished grade measured on the side nearest the abutting property;
3. On a property line, measured from the finished grade of either side when the abutting property owners are in agreement; and
4. A temporary fence on a construction site may be as high as required to protect the property during the period of construction.
5. Fencing up to eight feet in height may be allowed in the side or rear yard provided the following conditions are met:
 - (a) The side or rear property lot line is adjacent to a freeway system; arterial or collector street.
 - (b) Buffering between commercial / industrial uses and residential uses.
 - (c) A building permit shall be obtained from the City and construction of fences and retaining walls must meet applicable requirements of the building codes.
 - (d) The Zoning Administrator may grant a waiver or modification of any height requirements of this section upon finding that the waiver or modification will not circumvent the intent of the development standards.

C. Athletic Facilities. Fencing around athletic facilities, including, without limitation, tennis courts, may be fourteen feet in height so long as all portions above six feet in height are constructed with at least fifty percent non-opaque materials.

D. Nonconforming Fences/Conformance with This Section. No person shall construct a new or alter an existing fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures except in conformance with all of the requirements of this section. For purposes of this subsection, an altered fence is defined as replacing or changing more than sixty percent of the linear feet of an existing fence located in the front yard, replacing or changing more than sixty percent of the linear feet of an existing fence located in

the back yard, or increasing the height of an existing fence. (Ord. 2011-03 § 1 (Att. A) (part); Ord. 11-13-2001 § 2 (part), 2001)

ATTACHMENT C

Text Additions
~~Text Deletions~~

Chapter 17-7-1 SINGLE FAMILY RESIDENTIAL ZONE (SF-1)

Sections:

- 17-7-1.1 Purpose.
- 17-7-1.2 Use table.
- 17-7-1.3 Lot standards.
- 17-7-1.4 Development standards.
- 17-7-1.5 Neighborhood compatibility.
- 17-7-1.6 Fences, hedges and walls.
- 17-7-1.7 Landscaping.
- 17-7-1.8 Parking.
- 17-7-1.9 Accessory structures (unoccupied).
- 17-7-1.10 Master planned development.
- 17-7-1.11 Conditional use standards of review.
- 17-7-1.12 Home occupation standards.
- 17-7-1.13 Signs.
- 17-7-1.14 Duplex (two-family) overlay (OD) zone.
- 17-7-1.15 Agricultural overlay zone.
- 17-7-1.16 Related provisions.
- 17-7-1.17 Camping.

17-7-1.6 Fences, hedges and walls.

The following standards apply to new development of fences, hedges and walls:

- A. Required Setbacks. A fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures is permitted in the required setback if it meets the following conditions:
 - 1. All property lines are located in order to determine that no fence, hedge, or wall extends beyond or across a property line. A fence, hedge, or wall may cross a property line if an agreement with the abutting property owner is obtained;

2. No fence, hedge, or wall is placed nearer than six inches to any public sidewalk;
3. Any fence, hedge or wall placed within ten feet of a driveway may not exceed three feet in height if a sight obscuring solid material is used, such as wood, vinyl, etc.; and four feet if nonobscuring open materials are used, such as wrought iron, picket with gaps no less than width of slat, etc., for the first ten feet behind the sidewalk; and
4. No barbed wire or other sharp, pointed, or electrically charged fence may be erected or maintained, except a temporary fence on a construction site to protect the property during the period of construction may be topped with barbed wire where the barbed wire is not less than eight feet above the ground and does not extend more than two feet above the temporary fence.
5. All fences shall be constructed of quality materials that are specifically manufactured for fencing and shall not be constructed with any material that was originally made for other intentions. Unless specifically being used for a bona fide agricultural use, perimeter fencing within a residential area shall not be constructed from any material that was manufactured for an agricultural use such as chicken wire, deer fencing, hog wire, wire strands, t-stakes, or grape stakes.
6. All fences shall be maintained in a good condition by the property owner including compliance with the following standards:
 - a. The fence must be free of damage, breaks or missing components or parts.
 - b. Areas of the fence that are leaning more than twenty degrees from vertical, buckling, sagging or deteriorating must be repaired or replaced with materials and color similar to its original construction.
 - c. All metal style fences shall be treated in a manner to prevent rust.
 - d. Plant materials growing on fences within clear view areas, i.e., within ten feet of a driveway near a sidewalk (see required setbacks above) or within the clear view triangle area, shall be maintained at a maximum height of three feet.

B. Height. No fence or wall may exceed ~~six~~ eight feet in height, four feet in height in the front yard setback, nor three feet in the clear view triangle, measured as follows:

1. In a required yard abutting a street, the total effective height above the finished grade measured on the side nearest the street;
2. In any other required yard, the total effective height above the finished grade measured on the side nearest the abutting property;
3. On a property line, measured from the finished grade of either side when the abutting property owners are in agreement; and
4. A temporary fence on a construction site may be as high as required to protect the property during the period of construction.
5. Fences up to eight feet in height may be allowed provided a building permit is obtained from the city.

C. Athletic Facilities. Fencing around athletic facilities, including, without limitation, tennis courts, may be fourteen feet in height so long as all portions above six feet in height are constructed with at least fifty percent non-opaque materials.

D. Nonconforming Fences/Conformance with This Section. No person shall construct a new or alter an existing fence, hedge, wall, column, pier, post, or any similar structure or any combination of such structures except in conformance with all of the requirements of this section. For purposes of this subsection, an altered fence is defined as replacing or changing more than sixty percent of the linear feet of an existing fence located in the front yard, replacing or changing more than sixty percent of the linear feet of an existing fence located in the back yard, or increasing the height of an existing fence. (Ord. 2011-03 § 1 (Att. A) (part); Ord. 11-13-2001 § 2 (part), 2001)