



MIDVALE

In the Middle of Everything

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Midvale City
PLANNING AND ZONING COMMISSION
Minutes

14th Day of June, 2017
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

COMMISSION CHAIR: Kass Wallin

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

BOARD MEMBERS
Colleen Costello
Richard Judkins
Evan Hanson

STAFF:
Lesley Burns, City Planner
Matt Hilderman, Associate Planner
Jessica Stephens, CD Administrative Assistant

GENERAL SESSION

Chairman Wallin 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

| | |
|--------------|---------|
| Ms. Costello | Present |
| Mr. Hanson | Present |
| Mr. Judkins | Present |
| Mr. Wallin | Present |
| Mr. Liedtke | Present |

PUBLIC HEARINGS

1. SUB/CUP-22-30-127-010; PK 7159 TWIN HOME & SUBDIVISION; 7159 SOUTH 150 EAST; CONDITIONAL USE PERMIT FOR TWO-UNIT RESIDENTIAL STRUCTURE AND FLAG LOT SUBDIVISION; SINGLE FAMILY RESIDENTIAL ZONE (SF-1) WITH DUPLEX AND 7200 SOUTH OVERLAYS; PK PROPERTIES, LLC/MOHAMMAD POURKAZEMI (APPLICANT)

Mr. Hilderman presented that, the applicant, PK Properties LLC, represented by Dale Bennett with Benchmark Engineering, is requesting approval to subdivide the property at 7159 South 150 East into two lots, with one parcel being a flag lot. The applicant is further requesting to construct a two-unit residential structure (twin home) on the proposed flag lot and subdivide the property along the common wall of the two-units, to allow individual ownership of each unit. This proposal also includes keeping the existing home on the proposed Lot 1. This property is approximately 0.55 acres (23,958 sq. ft.), has 121 feet of frontage along 150 East, and the existing home is a single-story, approximately 2,492 sq. ft. with basement living and an attached 2-car garage. The proposed two-unit residential structure is proposed to be one-story, 1,426 sq. ft. per unit with basement construction and each unit has a two-car garage.

Two-Unit Residential Structure

This property is zoned SF-1 with a Duplex Overlay. This is an existing lot that complies with all of the lot standards for the SF-1 zone district. The overlay allows a two-unit residential structure as a Conditional Use, provided the general conditional use criteria and specific use criteria, identified in Section 17-7-1.11 (B)(f) are satisfied. The general applicable criteria includes the following:

1. The application complies with all applicable provisions of the zoning ordinance, state and federal law;
2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
3. The use is not detrimental to the public health, safety and welfare;
4. The use is consistent with the Midvale City General Plan, as amended;
5. Traffic conditions are not adversely affected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
6. Sufficient utility capacity;
7. Sufficient emergency vehicle access;
8. Location and design of off-street parking as well as compliance with off-street parking standards provided for in §17-7-12.7;

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.

And, the specific applicable criteria includes the following:

Flag Lots. Each application for new subdivision of a flag lot, or for new development on a flag lot shall demonstrate that the application complies with the following criteria:

- i. Lot Area. The minimum area of the banner portion of the proposed flag lot is seven thousand square feet and the minimum area of the remaining frontage lot is seven thousand square feet;
- ii. Lot Width and Depth. The minimum banner portion width and depth is seventy-five feet. The minimum lot width and depth of the frontage lot complies with all lot standards for the zone;
- iii. Setbacks. Setbacks for new development on a flag lot are fifteen feet for each of the front, side and rear yards. New development on a flag lot is entitled to the same yard exceptions as a frontage lot, with the rear yard lot line of the frontage lot serving as the front yard lot line for the banner portion of the flag lot;
- iv. Height. The maximum proposed height for a structure is twenty-five feet;
- v. Stories. A structure shall not exceed one story;
- vi. Parking/Driveway Access. Each flag lot and each frontage lot shall provide two parking spaces on the side or rear yard of property. The driveway shall have a paved width of twenty feet;
- vii. Fire Department Access and Water Supply. Each dwelling must adhere to the Fire Code; and
- viii. Utilities. Both the flag lot dwelling and the frontage lot dwelling must be serviced by a public water and sewer system.

The applicant is proposing a one-story structure with a two-car garage for each unit. The structure complies with the maximum building height for this zone, measured to be 21-feet. The site plan shows that the proposed structure complies with the flag lot setbacks for the SF-1 (DO) zone district, requiring a minimum 15-foot setback from all property lines. Adequate off-street parking is being provided with the two-car garages and potential guest parking in the approximate 15-foot driveway lengths. The Zoning Ordinance requires that the front and side yards of the structure be landscaped and will need to be completed or guaranteed with a cash bond prior to a certificate of occupancy being issued for the units.

Subdivision

Section 17-7-1.14 C of the Zoning Ordinance provides for a lot size exclusion in the Duplex Overlay for the division of property creating individual ownership of each side of a two-unit (twin home) structure. In this particular case, the proposed boundary that creates the two lots reflects the common wall between the two-dwelling units within the proposed structure. Since this subdivision is a direct result of the two-unit residential structure being constructed on the property, a note should be added to the subdivision plat indicating that a two-unit residential structure with a common wall along the center lot line is required to be constructed on the property unless the subdivision plat is officially amended.

This roadway has existing curb, gutter, and sidewalk further north however this existing parcel of land does not have any existing infrastructure. The applicant will be required to bond for, provide, construct and to dedicate the required public improvements, as identified in Section 16.04.040 (F), which may include the following; sidewalk, curb and gutter, fire hydrants, and street lighting. A note should be added to the subdivision plat indicating the applicant is required to bond, construct, and have the improvements inspected and approved by the City Engineer. The City Engineer has approved the preliminary site plan and subdivision plat and the Fire Marshal has approved the preliminary plan with a condition to install one hydrant near the entry of the subdivision.

The Subdivision Ordinance requires that 2"-caliper deciduous street trees be planted with any new subdivision at a rate of one tree for every 30 feet of frontage. Based on this requirement, three (3) deciduous street trees will be required to be planted along 150 East prior to the subdivision plat being recorded. Staff would recommend a note be added to the subdivision plat indicating that these trees be planted or guaranteed by a cash bond prior to a Certificate of Occupancy being issued on each of the residential units.

STAFF RECOMMENDATIONS:

Conditional Use Permit

Staff would recommend approval of the Conditional Use Permit allowing a two-unit residential structure at 7159 South 150 East with the following conditions:

1. The two-unit residential structure shall be constructed as shown on the attached building elevations and site plan.
2. Exterior building materials shall be earth tone colors and shown on the plans submitted with the Building Permit application.
3. The front and side yards of the structure are required to be landscaped, including planting of the street trees. These requirements shall be completed or guaranteed by a cash bond prior to certificates of occupancy being issued for the units.
4. The applicant shall install one, fire hydrant near the entry of the subdivision, as required by the Fire Marshal.

Preliminary Subdivision Plat

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.
2. A note shall be added to the subdivision plat indicating that three, 2-inch caliper, deciduous street trees are to be planted along 150 East or guaranteed by a cash bond prior to a certificate of occupancy being issued for the units.
3. A note shall be added to the subdivision plat indicating that the required public improvements shall be bonded for, constructed to the standards of Midvale City, and inspected and approved by the City Engineer.
4. A note shall be added to the subdivision plat indicating that a two-unit residential structure with a common wall along the center line is required to be constructed on the property unless the subdivision plat is officially amended.
5. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
6. The applicant shall provide evidence that courtesy notices has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.

Mohammad Pourkazemi stated he is the applicant for this item. He asked why he was required to add curb, gutter, and fire hydrants and whether Midvale City would be finishing the rest of the street.

Ms. Burns explained that the improvements are required for all new subdivisions. The City Council decided not to do the improvements after receiving comments from residents of the street. She suggested speaking with the City Council for more specific information.

Dale Bennet, Benchmark Engineering, 9138 South State Street in Sandy, stated he is Mr. Pourkazemi's representative. Mr. Bennet stated that the square footage of the flag lot is over 10,000 square feet, not including the pole portion, and the front lot is 11,000 square feet. Mr. Wallin asked if there were any questions about the conditions. There were no questions.

There were no further questions for Mr. Pourkazemi or Mr. Bennet.

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

Lori Cutler stated she lives on the north side of the property. She shared her concerns about the number of renters that would be bordering her property and asked if there were fencing requirements.

Mr. Hilderman explained there are no specific requirements in the ordinance on flag lots for a fence to be installed. He reminded the Commissioners in previous cases conditions had been placed on flag lots that included requiring fencing around the banner portion of the flag lots to mitigate potential grievances with neighbors.

Mr. Pourkazemi replied that he would have no problem adding additional fencing to

accommodate the request.

There were no further questions or comments from the public.

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

Mr. Wallin stated that Mr. Pourkazemi had agreed to the conditions suggested by the City and expressed willingness to comply with the public comment about adding a fence. He asked the Commissioners for their feelings on adding an additional condition on fencing. The Commissioners indicated they thought a six-foot sight obscuring fence complying with the fencing ordinance was appropriate along the North, South, and East sides as well as between the two parcels on the lot.

MOTION:

Mr. Liedtke moved that, *“Based on compliance with the conditional use criteria, I move that we approve the Conditional Use Permit for the two-unit residential structure to be located at 7159 South 150 East with the following conditions:*

- 1. The two-unit residential structure shall be constructed as shown on the attached building elevations and site plan.*
- 2. Exterior building materials shall be earth tone colors and shown on the plans submitted with the Building Permit application.*
- 3. The front and side yards of the structure are required to be landscaped, including planting of the street trees. These requirements shall be completed or guaranteed by a cash bond prior to certificates of occupancy being issued for the units.*
- 4. The applicant shall install one, fire hydrant near the entry of the subdivision, as required by the Fire Marshal.*
- 5. There will be a six-foot sight obscuring fence around the exterior of all lots and a divider between the flag lot and the front lot per the zoning ordinance for fencing.”*

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

Ms. Costello Yes
Mr. Hanson Yes
Mr. Judkins Yes
Mr. Liedtke Yes

Motion carried unanimously

Ms. Costello moved that, *“Based on compliance with the zoning and subdivision requirements of the SF-1 zone district and the Duplex Overlay, I move that we forward a positive recommendation to the City Council for the approval of the subdivision plat for PK 7159 Subdivision Plat, located at 7159 South 150 East with the following conditions:*

1. *The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.*
2. *A note shall be added to the subdivision plat indicating that three, 2-inch caliper, deciduous street trees are to be planted along 150 East or guaranteed by a cash bond prior to a certificate of occupancy being issued for the units.*
3. *A note shall be added to the subdivision plat indicating that the required public improvements shall be bonded for, constructed to the standards of Midvale City, and inspected and approved by the City Engineer.*
4. *A note shall be added to the subdivision plat indicating that a two-unit residential structure with a common wall along the center line is required to be constructed on the property unless the subdivision plat is officially amended.*
5. *The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.*
6. *The applicant shall provide evidence that courtesy notices has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.”*

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

Ms. Costello Yes
 Mr. Hanson Yes
 Mr. Judkins Yes
 Mr. Liedtke Yes

Motion carried unanimously.

2. SSMP-21-26-227-004; TRU BY HILTON; 7148 SOUTH BINGHAM JUNCTION BOULEVARD; SMALL SCALE MASTER PLAN FOR HOTEL; BINGHAM JUNCTION ZONE/RIVERWALK OVERLAY; WADSWORTH DEVELOPMENT GROUP/KADE WADSWORTH (APPLICANT)

Mr. Hilderman presented that, the Wadsworth Development Group, represented by Kade Wadsworth, is proposing a hotel use within the Riverwalk Retail Center Large Scale Master Plan area. This use is proposed to be located on Lot 4 of the Riverwalk @ Bingham Junction, Phase 2 Amended Subdivision plat and is approximately 2.21 acres (96,439 sq. ft.) and located near the corner of Bingham Junction Boulevard and River Gate Drive. The hotel use proposal includes a 4-story, 61,100 square foot structure, 114 guestrooms, 114 parking stalls, outdoor pool and patio amenity, associated landscaping, and accesses from two, new driveway approaches from Bingham Junction Blvd. and through the adjacent parking lot for the approved Top Golf development. The hotel’s main entrance is located interior to the site on the east side and includes a portico from the parking lot to the entrance of the building. This project is subject to the development standards and requirements of the Riverwalk West Retail Development Agreement, including the Bingham Junction Zone District and Riverwalk Overlay development standards. This zone and subarea allow this type of development approval through the SSMP process and approval of the proposed use through the Conditional Use Permit (CUP) process.

The applicant is requesting the following:

- A Small-Scale Master Plan approval for the proposed site layout, landscaping and building design.
- Conditional Use Permit approval for the proposed hotel use.

CONDITIONAL USES

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

1. The application complies with all applicable provisions of the zoning ordinance, state and federal law;
2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
3. The use is not detrimental to the public health, safety and welfare;
4. The use is consistent with the Midvale City General Plan, as amended;
5. Traffic conditions are not adversely affected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
6. Sufficient utility capacity;
7. Sufficient emergency vehicle access;
8. Location and design of off-street parking as well as compliance with off-street parking standards provided for in §17-7-13.7;
9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
10. Compatibility of the proposed mass, bulk, design, orientation, and location of the structures on the site, including compatibility with buildings on adjoining lots and to the street;
11. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses; and
12. Within and adjoining the site, impacts on the aquifer, slope retention, and flood potential have been fully mitigated and the proposed structure is appropriate to the topography of the site.

SMALL SCALE MASTER PLAN

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

1. All development within the large-scale master plan shall comply with the Development Standards in Section 17-7-9.12.1.6 of the Zoning Ordinance, including but not limited to a maximum building height of 32 feet for a flat roof for portions of the structure within 100 feet of a single family attached or detached residential structure.
2. All development within the large-scale master plan shall comply with the Landscaping Standards in Section 17-7-9.12.1.7 of the Zoning Ordinance. Landscaping plans shall incorporate the street trees required as part of the Riverwalk Thematic Design Elements.

Landscape screening of maintenance buildings, trash collection and recycling, storage and service areas, mechanical equipment and loading docks, particularly where viewed from residential areas and public vantage points will be required.

3. All development within the large scale master plan shall comply with the Architectural Standards in Section 17-7-9.12.1.8 of the Zoning Ordinance, including but not limited to drive aisles located between the building and the street being minimized as much as possible with berming and landscaping and complying with the specific development standards in the ordinance; and loading docks and service areas where visible from streets and residential buildings being screened with walls and dense landscaping.
4. All development within the large-scale master plan shall comply with Sections 17-7-9.5 Common Development Standards and 17-7-9.6 Parking of the Zoning Ordinance.
5. All development within the large-scale master plan shall comply with the approved Riverwalk Thematic Design Elements, i.e. lighting, street trees, etc.
6. All drive/road accesses shall comply with the requirements of the City Engineer.
7. Circulation and connectivity between all projects within the LSMP area shall be a priority.
8. The open space along 7200 South and the 7200 South access road shall be enhanced to include additional landscaping to ensure the original intent of this area remains visually pleasing and functional for the community.
9. The 7200 South access is contingent upon UDOT's written approval. If this access is not approved by UDOT, the area on the south side of the east/west road through the plan area shall revert to the 2010 original LSMP layout.

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

DEVELOPMENT STANDARDS

Subarea 2 does not include a build-to-line requirement as in other subareas in Bingham Junction. The required building setbacks are defined by Building Code requirements and landscaped setbacks. The required landscape setback along Bingham Junction Boulevard is twenty-feet (20') and the proposed building location does not impact this standard. The maximum building height in this area is ninety-two feet (92') for a flat roof. The highest point of the structure for the hotel is identified as 50' 8".

LANDSCAPING

The development parcel is required to have a minimum 13% landscaping. This proposal has 29% which includes the landscaped setback from the edge of the public right-of-way, interior lot landscaping, and landscaping adjacent to the building. The applicant has proposed the required

'Little Leaf Linden' street trees along River Gate Drive, and trees, shrubs, plants and grasses around the building and within the parking areas. However, the applicant will need to add an additional six (6) street trees, of similar species and size, to comply with the minimum street tree requirement. The zoning ordinance allows a maximum of 50% of the landscaped area to be turf (sod); 40% is being provided with the remainder of the planter areas being covered with a four-inch (4") layer of decorative rock mulch. Interior parking lot landscaping is required to be a minimum of ten-percent (10%) of the parking lot area and is calculated separate from the overall minimum landscaping requirements. This plan identifies a total of ten percent (10%) interior parking landscaping. A pedestrian walkway has been provided around much of the building with a connection through the parking lot to the public sidewalk along Bingham Junction Boulevard. In order to comply with the Riverwalk landscaping standards, the following issues will need to be addressed on the final landscape plan:

- Submittal of an irrigation design plan, complying with Chapter 17-7-9.5 (E), for further review and approval.

ARCHITECTURE

The building exterior is proposed to include two types of finished exterior materials; EIFS and high pressure laminate panels. The ordinance requires all buildings use one of the following durable materials as a significant finish; architectural pre-cast concrete, architecturally treated concrete masonry units, brick cladding, natural and cast stone, architectural metals, and glazing. The ordinance further states the use of EIFS on ground floor walls shall be limited to the surface area three or more feet above finished grade and from finished grade to the beginning of the EIFS shall be clad by a hard, durable materials such as brick, stone, architectural pre-cast concrete, or architecturally treated concrete masonry units. The applicant is proposing the use of high pressure laminate panels around the entire foundation of the building and extending to a height of twelve-feet (12'), from grade. The applicant has stated the purpose to propose the laminate is to maintain the modern architectural features that this particular hotel flag is aiming to have. The Planning Commission will need to discuss the proposed use of the laminate panels and if this proposal complies with the finishing materials for this zone and if this material is an acceptable alternative for a durable, base material.

One main entrance is proposed that includes a portico feature and constructed of materials similar to the main building. Additional entrances/exits are proposed along the North, South, and West elevations and have the necessary awning, weather-protection feature, as required by the ordinance. The zoning ordinance requires that the service areas and mechanical equipment be screened from public view. The applicant has proposed a parapet wall where all MEP equipment will be situated and screened from public view.

PARKING

The applicant has proposed 114 parking stalls within the proposed development. The parking calculations for this proposed use is identified as 1 per suite and 1 space per 200 sq. ft. of separately leasable space. The applicant has provided the minimum amount required, 114 and has indicated no separate spaces are available for lease. For parking lots of this size, the zoning ordinance requires a minimum five-foot perimeter landscaping, minimum 10% interior parking

lot landscaping, and landscape islands at the end of each parking row and for every 15 parking stalls. These calculations have been shown on the plan and are in compliance with the Municipal Code. The applicant will need to submit an exterior lighting plan. This plan will need to utilize the parking lot lights required in the Riverwalk thematic elements, including treatment of the pole bases, and comply with the photometric requirements in the exterior lighting standards in Chapter 17-7-9.6 F of the zoning ordinance.

SIGNAGE

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

CONDITIONAL USE PERMIT

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

STAFF RECOMMENDATION:

Staff recommends the Planning Commission make two separate motions, the first regarding the findings and the second regarding the two applications. Provided the Planning Commission is able to make findings for the Conditional Use Permit and the Small-Scale Master Plan, with the conditions stated below, Staff would recommend approval of the Conditional Use Permit and the Small-Scale Master Plan. If the Planning Commission is unable to make the stated findings, the Planning Commission can deny the applications or table a decision on the applications subject to the applicant making the appropriate changes to the proposed development plan.

Mr. Wallin asked if there was any information on the durability of the proposed laminate materials versus the durability of the recommended materials.

Mr. Judkins stated he was familiar with material and is currently using it on a project to build a school. He explained the material is very durable, comes with a long warranty, and is more expensive than other recommended materials.

Mr. Liedtke asked if Mr. Judkins believed the proposed materials are better than the recommended ones. Mr. Judkins stated he believes the material is as durable and more expensive.

Mr. Wallin asked Staff about expected impacts for surrounding uses, specifically for the single-family residences to the north.

Mr. Hilderman stated neither the Fire Marshall nor the City Engineer had concerns about

surrounding uses or traffic when the project was reviewed.

Mr. Wallin asked for an estimated number of vehicles this project would bring in.

Mr. Hilderman stated no numbers were given but that there are 114 parking stalls.

Mr. Liedtke commented that a hotel has different traffic patterns than a business. He explained that hotels have a constant flow of traffic where an office building would have a few key times of heavy traffic.

Ms. Burns stated this area was designed in the Master Plan to be commercial development and the infrastructure was designed for a higher level of traffic than a hotel would produce.

Kade Wadsworth stated he is the applicant for this item. He thanked the Commissioners for their time and expressed Wadsworth Development believes a hotel will complement all of their other projects in the area, as well as complement surrounding retail and office buildings. He added that Hilton had been to the site.

Mr. Wallin asked what impact Mr. Wadsworth foresaw the project having on surrounding uses, and what impact he believed Top Golf would have on the project.

Mr. Wadsworth replied that architecturally the products they have are modern and fit the look Hilton Tru is going for and will complement the area. He explained that most of the traffic will flow South from I-15 and that the City's plan to widen that street should alleviate any congestion. He added that the site has four separate access points to assist the flow of traffic and that they did not foresee any issues impacting surrounding areas. He does not see an impact to traffic beyond the infrastructure that exists, and a hotel will have less impact than an office building.

Mr. Wallin asked if there was a specific reason for the north access point.

Mr. Wadsworth explained that it was to alleviate potential congestion in the parking lot.

Mr. Liedtke pointed out that without the north exit all traffic would be forced south and it would create more congestion.

Mr. Wallin reiterated there was a potential for hotel guests to be disturbed by noise from Top Golf. He gave his experience that there was light and noise from Top Golf where he lived. He determined that hotel guests using the pool or patio would be disturbed by it. He asked Mr. Wadsworth if he had any comments on this impact.

Mr. Wadsworth stated that they had considered the possibility of a golf ball entering the property but determined the fences were high enough to prevent it. He stated there had not been a lengthy discussion about noise, but when Hilton visited the site they did not mention it as a concern. He added the pool will be indoors.

Mr. Jonathan Kland, Richardson Design Partnership, stated he is the architect for the project. He

stated to achieve the contemporary look of the brand and of the Riverwalk development they are proposing the use of the laminate product around the first floor. It is nonabsorbent, homogenous, durable, and they are confident it will have a long lifespan. The upper levels would use an EFIS material. Mr. Kland explained there would be several exterior colors used with the base colors being neutral and the accent colors more prominent. He showed the Commission a material and color board for the proposed hotel.

Mr. Judkins asked if noise was ever a concern for Hilton.

Mr. Kland stated they had not discussed it, but that the STC rating of the exterior walls can be adjusted to accommodate user needs. He added that they would analyze this based on the adjacent use.

Mr. Wallin asked Mr. Wadsworth if the conditions mentioned by Mr. Hilderman were clear. Mr. Wadsworth stated they were.

There were no further questions for the applicant.

Mr. Judkins moved to open the Public Hearing. Mr. Liedtke seconded the motion. Motion carried.

Alyse Rochelle, 6943 S. Zandi Drive, Midvale, stated she rides her bike to work through the area and is concerned about the lack of pedestrian vision. She requested pedestrian vision be supported when adding new structures. She pointed out that the multiple entrances are concerning for pedestrians and suggested adding a light at the intersection. She added that from inside her home she experiences light and noise from Top Golf.

David Wynn, 6932 S. Zandi Drive, Midvale, stated at the intersection of 805 West and Presidio Drive a crosswalk was put in going east and west but that there was not one for north and south. He stated that from his home he has seen accidents on that road and has concerns that the north access point to the hotel will ultimately cause more problems for pedestrians. He asked if the lighting from the hotel would affect his residence. He expressed a concern that if Hilton's business suffers due to Top Golf's noise, they will sell the property and it will become an extended stay hotel, which may increase criminal activity in the area.

Chris Scott, 815 W Kenzie Way, Midvale, asked what the demographic was for the hotel's customers and asked if there were any studies regarding the hotel's effect on crime. He asked about what else the area was zoned for and questioned whether another hotel was needed given the other hotels in the area. He reiterated Mr. Wynn's concerns about the effect of the hotel's lighting on the residences. He asked if there were any pollution concerns for the hotel.

There were no further comments from the public.

Mr. Judkins motioned to close the Public Hearing. Ms. Costello seconded the motion. Motion carried.

Mr. Wadsworth thanked the public for their comments. He stated that they would be willing to

work with the City to make bike riders feel safe. He stated he was unaware neighboring residents were disturbed by the noise from Top Golf. The hotel has ways to diminish noise for its customers. He stated that they would work with Midvale to assist with visibility at the intersection as it relates to their property. He stated they will have directional lighting and other measure to mitigate impact from the parking lot lights. He pointed out that Hilton is a powerful hotel chain and their preference for the site makes its success highly feasible. He added that Wadsworth and Woodbury intend to own the property for a long time. He explained the hotel targets educated, young professionals and active families.

Mr. Wallin asked what would be Mr. Wadsworth's recommendation for assisting the City with pedestrian visibility.

Mr. Wadsworth stated that they could put up signs to increase driver awareness, and he suggested the City provide bike lanes.

Mr. Wallin asked what conditions they would be able to place to mitigate the lighting issue.

Mr. Judkins replied the Ordinance states that there can't be any light trespass. Mr. Hilderman agreed and added that there are photometric and thematic guidelines the applicant must follow. He explained the parking lot is required to have a maximum average foot candle of two and a four to one uniformity ratio with light cut off at the property lines. The light poles have a twenty-foot height limitation.

The Commissioners agreed that the issue of the crosswalk needed to be brought to the City's attention if they weren't already reviewing it.

There were no further questions for the applicant.

Mr. Wallin stated that the conditions did not address the concerns of pedestrian and bicycle safety and asked the Commissioners for their opinions on adding a condition.

Mr. Liedtke stated he was unsure how the applicant could assure pedestrian safety on a public road. He also noted that they did not have the authority to go into the public right of way and make changes, but that he liked their willingness to work with the City.

Mr. Wallin stated that eliminating the north entrance would address the pedestrian safety issue. He explained that most of the traffic would be coming from the south so closing the north access point near the problematic intersection would be an option. He asked for the Commissioners thoughts on the need for the north entrance.

Mr. Judkins stated he disagreed with the north entrance being a problem, and removing it would add congestion to the parking lot. He added he would not have a problem having the City Engineer review for sight lines.

Mr. Wallin agreed with having the City Engineer review the site.

Mr. Liedtke pointed out there might be a problem with fire truck mobility if they removed the

north entrance. Ms. Costello and Mr. Hanson agreed.

Mr. Wallin replied that if the entrance was required for emergency purposes it would stay and if the entrance was optional it could be looked at for removal. The Commissioners determined they would ask for the City Engineer to review the entrance.

Mr. Wallin stated the Top Golf noise issue had been addressed several times. He explained Top Golf is not violating any noise ordinances because the noise they produce is not sustained. He added the noise is still an impact that could affect hotel guests. He suggested that the applicant discuss the subject with Hilton. He added that the only way to mitigate the light and noise impact was to not build the hotel there.

Mr. Judkins stated that he would agree to a condition stating Hilton will review the impact of adjacent uses, but he disagreed with there being no way to mitigate the impact. He explained that there are several things that can be done during construction to mitigate light and noise. Ms. Costello agreed.

The Commission further discussed the north access and a possible specific review by the City Engineer and Fire Marshal.

MOTION:

Mr. Judkins moved that, *“Based on the proposed Small Scale Master Plan for Tru by Hilton Project, to be located at 7148 South Bingham Junction Boulevard, including the site layout, landscaping and building elevations, I move that we adopt the following findings:*

- 1. The laminate panels meet the intent of the durable finish and extend to a height higher than required by ordinance and terminate at appropriate visual breaks in architecture therefore the building complies with the intent of the base height requirements and architectural features for this area.*
- 2. The applicable criteria for a Conditional Use are satisfied with the conditions and requirements of the Small-Scale Master Plan.”*

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

Ms. Costello Yes
Mr. Hanson Yes
Mr. Judkins Yes
Mr. Liedtke Yes

Motion carried unanimously.

Mr. Judkins moved that, *“Based on the adopted findings, compliance with the Riverwalk West Retail Amended Large Scale Master Plan, Zoning Ordinance and Riverwalk West Retail Development Agreement, I move that we approve the Small-Scale Master Plan and Conditional Use Permit for Tru by Hilton to be located at 7148 South Bingham Junction Boulevard with the following conditions:*

1. *The final site plan shall be prepared in accordance with Section 17-3-3 E of the Zoning Ordinance and shall be reviewed and approved by the City Engineer, Fire Marshal and City Planner.*
2. *The landscape plan shall address the following items:*
 - *An irrigation design plan, complying with Chapter 17-7-9.5 (E), for further review and approval.*
 - *Including an additional six (6) street trees, of similar species and size, to comply with the minimum street tree requirement.*
3. *An exterior lighting plan, to include light locations, fixture details, and photometric information as required in Section 17-7-9.6 F of the Zoning Ordinance and the Riverwalk Thematic Elements, shall be prepared and submitted.*
4. *All signs shall be reviewed under the applicable sign requirements and approved through the sign permit process.*
5. *All requirements of the Building Official, Fire Marshal and the City Engineer shall be satisfied.*
6. *The applicant shall review the entertainment adjacency and review any required mitigation to address noise impacts for the use of the building.*
7. *The applicant shall work with the City Planning and Engineering Staff to review pedestrian and bicycle safety for access past the property site to include sight lines and possible signage.*
8. *The applicant shall review the north access point in reference to pedestrian safety and traffic impact on the intersection to the north with the City Engineer, and make any corrections if necessary. This could include the removal of the north access if determined.”*

Mr. Liedtke asked to amend condition 8 of the motion to include, “*if determined by the City Engineer.*” Ms. Costello seconded the amended motion. A roll call vote was taken.

Ms. Costello Yes
 Mr. Hanson Yes
 Mr. Judkins Yes
 Mr. Liedtke Yes

Motion carried unanimously.

ACTION ITEM

3. CUP-21-24-376-002; ANDY’S EMISSIONS; 6838 SOUTH 400 WEST #C; CONDITIONAL USE PERMIT REVOCATION; CLEAN INDUSTRIAL ZONE; CITY STAFF (APPLICANT)

Mr. Hilderman presented that, the City of Midvale has initiated a revocation of Conditional Use Permit 21-24-376-002/CUP09-005 for the existing commercial business identified as Andy’s Emissions, which was permitted to operate a vehicle-related repair use.

BACKGROUND/ANALYSIS

Project Site

The property is located near the northwest corner of 400 West and 6830 South, and contains two, single-story commercial warehouse buildings. The property is zoned Clean Industrial (CI) and is identified within the 7200 South East Gateway Opportunity Area of the General Plan Land Use Element. The subject tenant space is an 800-square foot space located in the southwest corner of the south commercial warehouse building.

CUP – 21-24-376-002 / CUP09-005

On May 13, 2009, the Planning Commission approved CUP-21-24-376-002/CUP09-005, a conditional use permit for a vehicle-related, repair use. According to City records, a business license application for Andy's Emissions, described as an emissions & inspections use by the applicant, was approved on June 3, 2009. Each following year, the business owner has maintained an active business license identified as an emissions testing/state inspection business use and has a current, active business license for the 2017 calendar year.

Basis for Revocation

Several conditions of approval were imposed upon the 2009 conditional use permit, identifying specific requirements to abide by such as:

1. All vehicles related to the business shall be parked in the stalls associated with the tenant space or inside the building only. No vehicles shall not be left in the drive aisle between the buildings in the complex at any time.
2. The parking stalls associated with the tenant space shall be used for customer and employee parking only; these areas shall not be used to store items.
3. Any vehicles kept overnight shall be stored inside the shop area.
4. The business shall include one employee and be operated between Monday and Saturday, 7:30 a.m. to 7:30 p.m.
5. The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.
6. All signage shall comply with the sign requirements for the CI zone and sign permits obtained before construction.

A courtesy letter, dated August 16, 2010, was distributed to the business owner identifying a violation of condition #2 and a specific time frame to correct this violation. It appears this violation was corrected within the allocated time frame. On April 6, 2017, Staff was contacted by the identified property owner, Douglas A & Jody A Mayo, Trs., identifying proposed violations of the tenant's existing conditional use permit. On April 10th and April 17th, 2017, Staff conducted a site inspection and confirmed that violations existed. Midvale Municipal Code Chapter 17-3-4, Section G allows the Planning Commission to require the permit holder to specify how the holder will promptly comply with the terms and conditions of the permit or revoke any planning application if it is found to be detrimental to the public health, safety and welfare or not to be in compliance with the conditions of approval.

In this case, the subject conditional use permit is not in compliance with the conditions of approval. Several attempts have been made to contact the business owner concerning these violations and how to correct these violations within an appropriate time frame. No communication has been received from the business owner at any time.

On May 5, 2017, Staff sent a letter to the business owner advising her of the proposed revocation of the use permit. As of the date of this report, Staff has not received any communication from the business owner, nor an objection to the revocation of the conditional use permit.

Planning Commission Meeting

On May 24, 2017, this item was presented before the Midvale City Planning Commission for review and discussion with the business owner, identified as Andy Barabino. The Planning Commission found the permit holder to be in noncompliance of the Conditional Use Permit conditions of approval and required the business owner to come into compliance with the conditions of approval and the following items:

1. All outside storage, including the oil containers, be removed.
2. All parking complying with the original Conditional Use Permit requirements, i.e. required parking being used specifically for the business operation.
3. An inspection of the interior of the tenant space by the Fire and Building Department be conducted.
4. City Planning Staff reviews the overall parking for the complex to verify the tenant has the five stalls required by the Conditional Use Permit and Zoning Ordinance.

Site Inspection

On Monday, June 5, 2017, Staff along with the City Building Official and the Area Inspector for Unified Fire Authority, conducted an inspection of Unit C. During our inspection, it was determined the business owner had removed all the outdoor storage, including the oil containers. An inspection of the interior was performed and the Fire Marshal noted that the existing fire extinguishers were expired and the Building Official determined that the automotive man lifts were installed without a permit. Both officials noted that any materials and debris would need to be removed near the restroom to maintain accessible clearance. No other requirements, conditions, or concerns were further addressed by the Fire Marshal and Building Official. All five parking stalls required for the business were cleaned and cleared, except for the commercial dumpster for the entire complex identified within parking stall 5. The other identified businesses within this complex include; DBM Industries (Unit B); BnB Auto Inc. (Unit A); and Mountainside Electric located within the entire northern building.

BnB Auto Inc. (formally Brown Auto Sales) received approval on March 13, 2002 for a wholesale automotive business. Per the review and approval of this use, no additional employee's other the applicant were proposed to be employed at this location. It was also determined any customers to this business could utilize the stalls along the north (not available) and east sides of the north building. This initial application was required to strip standard parking stalls within the SE corner of this property, allowing a maximum of three cars within this display

area, identified as parking stalls 8 – 10.

DBM Industries, identified as a sweeper/snow removal use, has an existing business license for Unit B. Based on this specific use and the size of the tenant space, the total amount of parking stalls required would be one.

Mountainside Electric, identified as an electrical contractor, has recently submitted and received approval for their initial business operation. Based on the proposed specific uses and the size of the tenant space, the total amount of parking stalls required would be eight.

In all, the total amount of parking stalls for all businesses combined within this space would be seventeen stalls. Based on the information provided at the last meeting and review of the site plans that were submitted for review, this parcel of property does have sufficient parking stalls to accommodate the number of businesses, number of employees, and general public visiting these establishments, if the business owner's and property owner can appropriately park within their designated parking stalls and use the stalls as they are intended.

STAFF RECOMMENDATION

Staff feels the Commission should review the information provided and determine an appropriate decision concerning the active Conditional Use Permit and existing business license and operation. The following motions/actions may be taken by the Commission concerning this subject:

1. **No Action** – If the Commission determines that the terms and conditions of the permit have not been violated, the Commission may take no action to revoke the use permit. The business will continue to operate under the conditions of the existing conditional use permit.
2. **Action to Resolve** – If the Commission determines that the terms and conditions of the permit have been violated, the Commission may require the holder to specify how the violations will be resolved, identifying a specific time frame to comply, and requiring the holder to readdress the Commission on the outcome with a follow-up report from Staff. Staff would further propose motioning that an inspection of the interior tenant space be conducted, as well as any additional inspections and/or reports requested from additional departments and agencies.
3. **Action to Revoke** – If the Commission determines that the terms and conditions of the permit have been violated, and the holder cannot adequately specify how to resolve the violations, the Commission may take action to revoke the use permit. If a similar use is proposed within this tenant space in the future, a new conditional use permit would be required. Staff would further propose motioning to recommend a revocation proceeding of the active Business License as well.

Mr. Liedtke clarified the business was in compliance with the conditional use permit, but the lift and crane needed permits.

Mr. Hilderman replied that the Building Official was going to need to inspect the crane.

Mr. Judkins stated those items did not have anything to do with the conditional use permit.

Mr. Liedtke stated once the bathrooms and fire extinguishers were taken care of the use would be back in compliance as far as the conditional use permit is concerned. Mr. Hilderman agreed.

Mr. Wallin asked if those items were under business licensing or under the conditional use permit. Mr. Hilderman replied they are under business license. He added the Building Official and Fire Marshal don't inspect anything until a business license application has been submitted.

Mr. Wallin asked if maintaining a business license was one of the conditions.

Mr. Hilderman stated yes, adding the license was active.

MOTION:

Mr. Hanson moved that, *“Based on the permit holder’s compliance with the Conditional Use Permit criteria identified in Section 17-7-13.9, the City’s determination to initiate a revocation of the subject use permit, and the holder not in violation of the use permit’s conditions of approval, I move to take no action on the Conditional Use Permit for Andy’s Emissions, located at 6838 South 400 West #C.”*

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

Ms. Costello Yes
Mr. Hanson Yes
Mr. Judkins Yes
Mr. Liedtke Yes

Motion carried unanimously

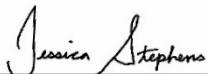
MINUTES

4. REVIEW AND APPROVE MINUTES OF MAY 24, 2017

Ms. Costello moved to approve the minutes of May 24, 2017 as amended. Mr. Liedtke seconded the motion. Motion carried.

ADJOURN:

Ms. Costello moved to adjourn at 9:25PM.



Jessica Stephens
CD Administrative Assistant