



MIDVALE

In the Middle of Everything

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Midvale City
PLANNING AND ZONING COMMISSION
Minutes

9th Day of August 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	Excused
Mr. Hanson	Present
Mr. Judkins	Present
Mr. Wallin	Present
Mr. Liedtke	Present

PUBLIC HEARING

1. SUB-21-35-400-016; JORDAN BLUFFS PHASE 1 SUBDIVISION; 8056 SOUTH MAIN STREET (7800-8600 SOUTH AND 700 WEST TO JORDAN RIVER); PRELIMINARY SUBDIVISION PLAT FOR TWO LOT SUBDIVISION; JORDAN BLUFFS ZONE; GARDNER AND COMPANY/MARK MURDOCK (APPLICANT)

Ms. Burns presented that Gardner & Co. L.C. is requesting approval of a two-lot subdivision for the 263-acre Jordan Bluffs property. Lot 1 will consist of 225 acres and Lot 2 will have 38 acres. An approved subarea plan, dividing the property into four areas for purposes of land uses and densities, is part of the Jordan Bluffs zoning for this property. For reference, Lot 1 will include sub-areas 1, 2, & 3 and Lot 2 will encompass sub-area 4. The purpose of this subdivision is to allow for Gardner & Co. L.C. to sell Lot 2 to Wasatch Properties after closing on the property through the purchase agreement with the Midvale Redevelopment Agency (RDA).

Section 2.11 of the purchase agreement allows the “Purchaser” to apply to the City for approval to subdivide the property. Through Section 2.15 of the purchase agreement with the RDA, this extends to Gardner & Co.

Staff has reviewed the general layout of the subdivision plat and finds that it meets the requirements of the Jordan Bluffs Zone and Title 16 of the Midvale Municipal Code. The city engineer is currently reviewing the boundaries, legal descriptions and dimensions of the plat for accuracy.

* * *

Mr. Wallin asked if there are roads already planned.

Ms. Burns stated the subarea plan shows the expected extension of Bingham Junction Boulevard.

Mark Murdock stated he is the applicant for the item.

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

Brian Barker, 1041 West Rooftop Drive, asked how long it would take for development to begin.

Mr. Murdock stated they would start next year at the earliest.

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

The Commission discussed the item, and determined the proposed subdivision plat is in line with previous actions taken for the area.

MOTION:

Mr. Hanson moved that, *“Based on compliance with the zoning and subdivision requirements of the Jordan Bluffs Zone, I move that we forward a positive recommendation to the City Council for the approval of the subdivision plat for the Jordan Bluffs Phase 1 Subdivision located at 7800 South to 8600 South, 700 West to Jordan River 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. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.*
- 3. The applicant shall provide evidence that a courtesy notice has been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia, and CenturyLink regarding the utility easements on the subdivision plat prior to final approval.”*

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

Mr. Hanson Yes
Mr. Judkins Yes
Mr. Liedtke Yes

Motion carried unanimously.

2. CUP-21-26-480-024; BIG MOUNTAIN BARBELL; 741 WEST SMELTER STREET; CONDITIONAL USE PERMIT FOR COMMERCIAL RECREATION FACILITY; HISTORIC COMMERCIAL ZONE; ZAC ELDRIDGE (APPLICANT)

Mr. Hilderman presented that Zac Eldridge, owner and operator of the commercial business Big Mountain Barbell, submitted a complete application proposing to manage and operate a commercial recreation facility/fitness gym in an existing commercial building. The total acreage of this lot is estimated to be 0.29 acres and consists of one established commercial structure, nine parking stalls, and associated building foundation landscaping elements.

The purpose of this business is to provide safe, efficient, effective and balanced fitness and nutrition coaching in a positive and welcoming environment using research-based programming. As stated on the applicant’s website, the owners Zac and Lyndsey Eldridge, opened Big Mountain Barbell in October 2014 with the City of Sandy. Their vision was to create a positive training environment where everyone from top level athletes to grandparents could reap the rewards of a customized progressive strength and conditioning program tailored to their personal

goals and needs. The types of services provided include: General Fat Loss, Strength and Conditioning, Sports Specific Training, Football Skill Coaching, NPC Bikini Prep and Posing, Mud Run and Obstacle Course Race, Powerlifting, Olympic Weightlifting, Tactical Police/Firefighting/Wildland Training, Triathlon Training, Geriatric and Youth Training, and Extreme Weight Loss.

The applicant proposes to occupy the entire structure, the total square footage of this structure is estimated to be 10,974 sq. ft.; the base floor consisting of 6,300 sq. ft. providing the training/gym area with associated equipment; and the second floor consisting of 4,674 sq. ft. providing bathrooms, lockers, and training offices. The commercial operating hours are staggered to accommodate any client office users. These hours consist of: Monday – Thursday 5:30 a.m. & 6:30 a.m. and then 5:00, 6:00, and 7:00 p.m. Operating hours on Friday will be 5:30 a.m. & 6:30 a.m. and then 5:00 p.m. Saturday’s operating hours are proposed only at 9:00 a.m. The applicant anticipates a maximum of four instructors for this proposed use.

The Historic Commercial zone does not require a minimum amount of parking stalls for uses. As stated in the Municipal Code, the purpose of the historic commercial zone is to minimize visual impacts of automobiles and parking on historic buildings and streetscapes (§17-7-11.1 D). The overall site has nine dedicated off-street parking stalls; including the City’s public parking area located 500 feet (0.09 miles) to the east and a sufficient amount of on-street parking along Stagg, Smelter, and Main Street.

Section 17-7-11.6 E, Section 17-7-11.6 F, and Section 17-7-11.11 F of the Midvale Municipal Code states all lights placed on property entrances or on building facades shall be down-directed and shielded to direct light to the entry or pedestrian way. The ordinance further states the applicant must bring preexisting lighting into compliance with this code upon application with the business license department for a change in ownership, change in company name, or new business. The existing structure has several lights located along each façade of the structure and appear to be the original lighting since the initial construction of this building (1996). The applicant will need to submit a photometric lighting plan, complying with the table identified in Section 17-7-11.11 of the Midvale Municipal Code, for further review and if necessary, submittal of a building permit application to renovate the existing façade lighting to be in compliance. Since the overall site or building mass size is not proposed to be expanded, no further development standards or improvements are required.

This proposal is located within the Historic Commercial zone, which requires a Conditional Use Permit for a commercial recreation facility. In order to approve a Conditional Use Permit, the following applicable criteria must be satisfied:

1. The application complies with all applicable provisions of the zoning ordinance, state, and federal law;
2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass, and circulation;
3. The use is not detrimental to the public health, safety, and welfare;
4. The use is consistent with the Midvale City General Plan, as amended;
5. Traffic conditions are not adversely effected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the

- existing streets;
6. Sufficient utility capacity;
 7. Sufficient emergency vehicle access;
 8. Location and design of off-street parking as well as compliance with off-street parking standards provided for in §17-7-13.7;
 9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses; and
 10. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses.

In reviewing this application and the above criteria, it appears this proposal will not be detrimental to the health, safety and welfare of people and businesses in the area. 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.

* * *

Mr. Zac Eldridge stated he is the applicant for this item.

Mr. Wallin asked how long the presented time slots last.

Mr. Eldridge stated they are hour long intervals for group training. There are also instructors that do one-on-one sessions by appointment only. The gym is not accessible without an appointment.

Mr. Wallin stated the operating hours need to be clarified on the business plans. Mr. Liedtke agreed and added the current plan indicates they are only open for a couple of hours a day.

Mr. Wallin stated to meet the conditions, a lighting plan must be submitted to the City. He asked if the requirement and process were understood.

Mr. Eldridge stated he does not know what the lighting requirements are but he is willing to meet them.

Mr. Judkins stated they would need to get a lighting engineer to review the site and make sure it follows the City's Ordinance.

Mr. Liedtke asked if they were buying or leasing the building.

Mr. Eldridge stated they are leasing the building.

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

There were no comments from the public.

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

The Commission discussed the item, and noted it seems like a great addition to the area.

MOTION:

Mr. Liedtke moved that, *“Based on the applicant’s compliance with the Conditional Use Permit criteria and the above analysis, I move to approve the Conditional Use Permit for Big Mountain Barbell, to be located at 741 West Smelter Street, with the following conditions:*

- 1. The applicant shall operate the business in a manner consistent with the business plan provided. Any proposed changes to the business shall be discussed and reviewed by the City for continued compliance, and, if necessary, additional review and approval to be performed by the Planning & Zoning Commission.*
- 2. The applicant shall submit a photometric lighting plan, complying Section 17-7-11.11 of the Midvale Municipal Code, for further review and if necessary, submittal of a building permit application to renovate the existing façade lighting.*
- 3. The applicant shall comply with all requirements of the Building Official and Fire Marshal.*
- 4. The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.*
- 5. All signage shall comply with the sign requirements for the HC zone and sign permits obtained before such signage is installed.”*

Mr. Wallin proposed to amend condition 1 of the motion to include, *“The intent of the business hours in the business plan provided was 5:30 AM to 10:00 PM, Monday through Saturday.”* Mr. Liedtke accepted the amendment to the motion.

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

Mr. Hanson Yes
Mr. Judkins Yes
Mr. Liedtke Yes

Motion carried unanimously.

DISCUSSION

3. AMUSEMENT HOUSE USE IN RESIDENTIAL ZONES

Ms. Burns stated in previous years the City has had problems in residential zones with haunted houses and other seasonal attraction type activities. These activities bring traffic, parking, and noise issues to the nearby residents. Last year the City Council adopted a temporary land use regulation to review this use and to determine whether it is appropriate for residential areas.

There is not currently a specific definition in the Ordinance for this scenario. After reviewing the complaints that have been issued by the public, it is Staff's recommendation that this use be clearly defined and prohibited in residential areas in a more permanent manor in the code.

Ms. Burns stated that the temporary land use regulation prohibited Amusement Houses in residential zones. Amusement House was defined as any house, building, premises or any other structure or portion thereof, whether temporary or permanent, that is open to the public to tour, move through for purposes of amusement, entertainment or fright. This use can be for either profit or non-profit. She added the intent is not to prohibit holiday parties or decorations but the larger scale uses that are advertised to the public. She shared with the Commissioners potential drafts for a new permanent land use regulation ordinance.

The Commission discussed various aspects of the proposed language and suggested considerations. Ms. Burns indicated Staff will continue to work on the proposed language and bring it back to the Commission as part of a public hearing at the next meeting.

MINUTES

4. REVIEW AND APPROVE MINUTES OF JULY 12, 2017 AND JULY 26, 2017

Mr. Liedtke moved to approve the minutes of July 12, 2017 with amendments. Mr. Judkins seconded the motion. Motion carried.

Mr. Judkins moved to approve the minutes of July 26, 2017 with amendments. Mr. Hanson seconded the motion. Motion carried.

ADJOURN:

Mr. Liedtke moved to adjourn at 8:18 PM.



Jessica Stephens
CD Administrative Assistant