MIDVALE CITY COUNCIL MEETING
AGENDA
February 21, 2017

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 21st Day of February, 2017 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:30 PM
INFORMATIONAL ITEMS

I. DEPARTMENT REPORTS
II. CITY MANAGER BUSINESS

7:00 PM
REGULAR MEETING

III. GENERAL BUSINESS
A. WELCOME AND PLEDGE OF ALLEGIANCE
B. ROLL CALL

IV. PUBLIC COMMENTS
Any person wishing to comment on any item not otherwise on the Agenda may address the City Council at this point by stepping to the microphone and giving his or her name for the record. Comments should be limited to not more than three (3) minutes, unless additional time is authorized by the Governing Body. Citizen groups will be asked to appoint a spokesperson. This is the time and place for any person who wishes to comment on non-hearing, non-Agenda items. Items brought forward to the attention of the City Council will be turned over to staff to provide a response outside of the City Council meeting.

V. COUNCIL REPORTS
A. Councilmember Wayne Sharp
B. Councilmember Stephen Brown
C. Councilmember Paul Glover
D. Councilmember Paul Hunt
E. Councilmember Quinn Sperry

VI. MAYOR REPORT
A. Mayor JoAnn B. Seghini

VII. CONSENT AGENDA
A. Approve minutes of February 7, 2017 [Rori Andreason, H.R. Director/City Recorder]
B. Set date and time (March 7, 2017 at 7:00 p.m.) for a public hearing to discuss Proposed Amendments to the FY 2017 Budget [Laurie Harvey Assistant City Manager/ Admin Services Director]
C. Set date and time (March 7, 2017 at 7:00 p.m.) for a public hearing on a text amendment request to amend the accessory structure (unoccupied) standards for corner lots within single-family residential zones [Matt Hilderman, Associate Planner]

D. Set date and time (March 7, 2017 at 7:00 p.m.) for a public hearing on a Subdivision Plat for Riverwalk at Bingham Junction Lot 8 Amended located at 7111 South Bingham Junction Boulevard [Matt Hilderman, Associate Planner]

E. Set date and time (March 7, 2017 at 7:00 p.m.) for a public hearing on a request to Rezone Lot 2 of the Union Woods Subdivision located at 7120 South Union Park Avenue to include the Regional Commercial Residential Overlay [Lesley Burns, City Planner]

VIII. ACTION ITEMS
A. Approve Resolution No. 2017-R-09 Appointing Wayne Sharp as Midvale City's Representative on the Unified Police Department Board [Kane Loader, City Manager]

IX. DISCUSSION ITEMS
A. Discuss Proposed Amendments to the FY2017 Budget [Laurie Harvey, Assistant City Manager/Admin Services Director]

B. Discuss a text amendment request to amend the accessory structure (unoccupied) standards for corner lots within single-family residential zones [Matt Hilderman, Associate Planner]

C. Discuss a Subdivision Plat for Riverwalk at Bingham Junction Lot 8 Amended located at 7111 South Bingham Junction Boulevard [Matt Hilderman, Associate Planner]

D. Discuss a request to Rezone Lot 2 of the Union Woods Subdivision located at 7120 South Union Park Avenue to include the Regional Commercial Residential Overlay [Lesley Burns, City Planner]

X. ADJOURN

In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the City Recorder at 801-567-7207, providing at least three working days advance notice of the meeting. TTY 711

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.midxelecity.org and the State Public Notice Website at http://pnn.utah.gov. Council Members may participate in the meeting via electronic communications. Council Members’ participation via electronic communication will be broadcast and amplified so other Council Members and all other persons present in the Council Chambers will be able to hear or see the communication.

PLEASE MAKE SURE ALL CELL PHONES ARE TURNED OFF DURING THE MEETING

DATE POSTED: FEBRUARY 17, 2017

RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER
Mayor Seghini called the meeting to order at 6:30 p.m.

I. INFORMATIONAL ITEMS
   A. DEPARTMENT REPORTS

Chief Jason Mazuran discussed the sudden passing of Midvale Officer Brian Holdaway. Kane Loader said since Officer Holdaway was not killed in the line of duty, his family is not eligible for the death benefit. He was also a few months away from retirement so his family has to come up with the COBRA payment to keep health insurance. He asked the Council if they would be willing to donate a few hundred dollars to the family.

Chief Mazuran introduced two officers of the month who responded to a domestic call. They showed such concern and compassion to the victim, she said she could have never handled the situation otherwise. The two Officers are Matt VanWagoner and Alex Thompson.

Chief McBride said there is a lot going on at UFA right now with the new chief. He mentioned a small incident at Hillcrest High School last week. Councilmember Quinn Sperry asked what the protocol is for a 911 call on who responds. Chief McBride said there could be as many as six people on a normal medical call. Individuals can request not to come lights and sirens or if they just want an ambulance. They try to accommodate the individuals if they are uncomfortable with that many responding.
Laurie Harvey said she sent out the financials to the Council for review. The fines and forfeitures are still lower than expected but the number is increasing. With the size of the property tax increase last year, motor vehicle tax will be about $100,000 more than anticipated, which should offset the fines and forfeitures shortfall. She said she sent an email to the auditors regarding the fleet manager selling the surplus vehicles. They said they are fine with it as long as the recipient is chosen fairly and the price is appropriate. She and Dalin will oversee that process.

Phillip Hill said he has received the petition back on Enchanted Drive where the residents want to make this a public roadway. He said he would work on this to get a budget amount and bring it to the Council. Kane Loader said all the residents on the public right-of-way have to sign the petition in favor of making this a public road. If the City Council gives the staff permission to move ahead with the right-of-way, the next step would be to hire an engineering firm and do a survey. Then a dedication plat would be prepared for all of the owners to sign to turn the over to the City and then maintenance options for the road would be reviewed. This will be a budget retreat item for the Council’s discussion.

Larry Wright said the speed limit sign on Center Street has been moved so it is more visible. He discussed the training meeting regarding storm water centered around City Managers and City Councils to explain costs of the upcoming regulations. He said he needs an RSVP from the Council to attend that meeting. The meeting is on February 22nd from 10am to 12:30 pm.

Councilmember Sperry’s said residents on Splendor View Circle had some issues with the snow plow removal. It was blocking some of the driveways and they didn’t clear the whole circle. Also, the Community Council asked that someone from Public Works attend their next meeting to discuss what services public works provides during a disaster. The meeting will be on March 1st at 7:00 p.m.

Rori Andreason discussed a meeting she attended at TransJordan Landfill regarding contaminated recycling and the costs to the cities. TransJordan is taking the lead in asking cities to send out a specific article each month to address the top 10 contaminants that are being placed in the recycle cans. They are designing one consistent list of the top 10 contaminants to send out to each city so they can educate the public. She also discussed the pending legislative bills regarding the election.

II. CITY MANAGER’S REPORT
Kane Loader updated the Council on pending legislation that could impact the City. He discussed the homeless shelter and the issues the businesses are dealing with. Many of the business owners met with the legislature regarding their concerns.

III. GENERAL BUSINESS
A. Welcome and Pledge of Allegiance

B. Roll Call – Council Members Paul Hunt, Wayne Sharp, Quinn Sperry, Paul Glover, and Stephen Brown were present at roll call.
IV. PUBLIC COMMENTS

Laurene Walker asked if there had been another development proposal for the TOD zone by Trax. Phillip Hill said no.

Brent Gordon, co-founder of girls tackle football league, said they would like to use the City park to practice and have games. They have their games in the spring opposite the Ute Football League. Practice Tuesday and Thursday with a game on Saturday. The Council approved.

Dave Fair discussed the increased traffic on 7200 South trying to enter the freeway. He suggested a traffic study be conducted on that intersection to improve the traffic flow. Councilmember Paul Glover said UDOT will be widening I-15 and that whole intersection will be redone. The cost will be $50 million. He suggested Mr. Fair attend the public meetings UDOT will be having.

Ken Donarski, Manager of Midvale Senior Center, said he was there to promote the senior center. Kane Loader asked him to provide newsletter articles to the City for the Journal and asked staff to add a link on the City’s website to the Senior Center website.

Spencer Mears said his neighbors asked about some potholes and they were fixed immediately so he expressed his appreciation. He also said it’s very difficult to get out on State Street from Princeton. He asked if a traffic light could be put there. Kane said UDOT would need to do a traffic study.

Robert Hale said he served on the Community Council for about 20 years. He said he served on the Planning and Zoning Commission for six years and on the City Council for seven years. He appreciated the great staff and elected officials. That night he was announcing his candidacy for the Mayor of Midvale and that he would be officially beginning a campaign. Some of the points he has worked on and are hot spots in Midvale are taxes; the RDA, Bingham Junction, Sharon Steele and Housing Authority; Issuance of Bonds; citizen involvement; keeping the east side of Midvale actively engaged in the government; and working with the Unified Police Department and Unified Fire Authority. Some of the issues are crime, gangs, domestic violence in neighborhoods, development of children and adults, physically and mentally. To make sure the City has ample base in retail sales so the tax base is spread widely. He said he appreciates Public Works, Utilities, and getting Utopia and UIA going. He would like to see Utopia available to all residents of the city. Employee salaries is a very important issue to maintain needed skill level in staff; minority involvement; education of youth and adults; homeless shelter is a major issue; as well as development of industry and commerce. Streets, curbs and gutters are also important. There is a need to work with the special districts and also code enforcement issues. He gave his address and cellphone number for anyone to contact him. (998 East North Union Avenue; 385-881-7302).

Catherine Reynolds, 664 East Cobblestone Lane, said she grew up in Midvale and Midvale middle school had a swimming pool. The new school does not have a swimming pool. She asked if there was any possibility to include a plan for a recreation center or talk to neighboring cities to contract with them to have access to their recreation center for resident price. The intersection on 700 East 7200 South has several accidents so maybe this intersection could also be discussed.
with UDOT. The canal on 700 East has a lot of graffiti and is a continual problem. She asked if
the City could do something to clean it up and make it a nice trail. She feels that lighting would
help.

V. **COUNCIL REPORTS**

A. **Councilmember Wayne Sharp** – Had nothing to report.

B. **Councilmember Stephen Brown** – said the Jordan River Commission met last
week and mentioned the Salt Lake County watershed plan is now available on their
website at: slco.org/watershed

C. **Councilmember Paul Glover** – Had nothing to report.

D. **Councilmember Paul Hunt** – said the Association of Municipal Councils
includes a member of every City Council along Salt Lake County. They discussed
Midvale City’s panhandling ordinance and were riveted when Mayor Seghini and Kane
Loader came to discuss that at their meeting. He said the State is looking at Midvale’s
ordinance.

E. **Councilmember Quinn Sperry** – reported that Chief Mazuran gave a great
presentation on crime safety tips and graffiti at the Community Council meeting. Another
issue was brought up regarding the safety of the school children crossing the street by the
Trax Station at Bingham Junction Boulevard.

VI. **MAYOR REPORT**

Mayor JoAnn B. Seghini – had nothing to report.

MOTION: **Councilmember Paul Glover** MOVED to open a public hearing. The motion
was SECONDED by Councilmember Quinn Sperry. Mayor Seghini called
for discussion on the motion. There being none she called for a vote. The
motion passed unanimously.

VII. **PUBLIC HEARING(S)**

A. **CONSIDER A TEXT AMENDMENT REQUEST TO AMEND THE LOT
STANDARDS FOR CORNER LOTS WITHIN SINGLE-FAMILY
RESIDENTIAL ZONES**

Matt Hilderman said the City Council has made a request to review our development lot
standards for corner lots within the Single-Family Residential Zones (SF-1 & SF-2). The initial
discussion suggested reviewing the existing lot and development standards for corner lots and
proposing an allowance for additional development on larger corner lots with existing residential
homes, specifically looking at the limitation created by the lot depth standard required on corner
lots.

The existing Municipal Code for SF-1 and SF-2 lot and development standards for corner lots
and accessory structures identifies the following:
SF-1 Lot Standard
- Minimum Lot Area = 7,000 Sq. Ft.
- Minimum Lot Width = 55 ft.
- Minimum Lot Depth = 90 ft. unless proposed lot width is 82 ft., then 80 ft. depth
- Corner Lots must meet minimum lot depth from both street frontages
- Front Yard Setback = 30 ft.
- Side Yard Setback = 8 ft.
- Rear Yard Setback = 25 ft.
- Corner Lots have two front yards, and no rear yard

SF-2 Lot Standard
- Minimum Lot Area = 5,000 Sq. Ft.
- Minimum Lot Width = 45 ft.
- Minimum Lot Depth = 90 ft. unless proposed lot width is 67 ft. then 80 ft. depth
- Corner Lots must meet minimum lot depth from both street frontages
- Front Yard Setback = 25 ft.
- Side Yard Setback = 5 ft.
- Rear Yard Setback = 15 ft.
- Corner Lots have two front yards and no rear yard

During our initial review and discussion on November 9, 2016, Staff discussed with the Planning Commission to continue recognizing and requiring the development standards as shown above; however, proposing an exception to the minimum lot depth from both street frontages, to allow an additional single family lot to be created in certain instances. Staff also discussed the location limitations currently placed on accessory structures on corner lots and is currently reviewing and proposing language for an exception to allow accessory structures to be located in a front yard setback, in certain instances; however, this language is not being proposed, at this time.

Staff has provided the proposed text amendment for review and discussion. In summary, this amendment addresses the following proposed changes:
- Any new proposed corner lot must include an existing residential structure.
- The reduced setback dimension shall not be less than the minimum lot width and the pre-existing structure must comply with the minimum side yard setback dimension.
- The minimum lot area shall comply with the underlying zone district and the new lot shall comply with the minimum lot depth from the other street frontage.

Planning Commission Recommendation
On December 14, 2016, a public hearing was conducted and initial comments from the public were received. The Planning Commission reviewed all the information received and discussed the aesthetics of this use as it related to the surrounding neighborhoods and overall city character. It was the Planning Commission’s recommendation to forward a positive recommendation of the ordinance amendment with the following motion:

“In order to provide additional opportunities for new single family detached homes in stable, residential neighborhoods and to mitigate visibility limitations on corner lots, I move that we
forward a positive recommendation to the City Council to add language in the SF-1 and SF-2 Zones corner lots as included in Attachment A but deferring a decision on ancillary buildings in those lots for further Staff review and rewriting of language.”

City Council Discussion
On January 17, 2017, the City Council discussed and addressed the ordinance language for this proposed text amendment. No further comments, suggestions, or requests were received.

Mayor Seghini opened the hearing to public comment.

Sophia Hawes-Tingey said she was in favor of this amendment for a nice home to be built.

MOTION: Councilmember Wayne Sharp MOVED to close the public hearing. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

ACTION: APPROVE ORDINANCE NO. 2017-O-2 TO ADD LANGUAGE TO AMEND THE LOT STANDARDS FOR CORNER LOTS WITHIN SINGLE-FAMILY RESIDENTIAL ZONES

MOTION: Councilmember Quinn Sperry MOVED that in order to accommodate uses not originally contemplated when the Zoning Ordinance was originally adopted and to provide additional opportunities for new single family detached homes in stable, residential neighborhoods, I move that we adopt Ordinance No. 2017-O-02 to add language to amend the lot standards for corner lots within Single-Family Residential zones, as included in Attachment A. The motion was SECONDED by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown  Aye
- Council member Paul Glover  Aye
- Council member Paul Hunt  Aye
- Councilmember Wayne Sharp  Aye
- Council member Quinn Sperry  Aye

The motion passed unanimously.

VIII. CONSENT AGENDA
A. APPROVE MINUTES OF JANUARY 17, 2017

B. APPROVE RESOLUTION NO. 2017-R-08 DECLARING SURPLUS OF OLD TECHNOLOGY, EQUIPMENT AND VEHICLES

MOTION: Councilmember Paul Glover MOVED to approve the consent agenda. The motion was SECONDED by Councilmember Wayne Sharp. Mayor Seghini called for discussion on the motion. There being none she called for a roll call vote. The voting was as follows:
IX.  **ACTION ITEM**

A.  **APPROVE RESOLUTION NO. 2017-R-04 APPOINTING GEORGE VO-DUC AS THE MIDVALE CITY JUSTICE COURT JUDGE**

Kane Loader said after a very extensive and lengthy selection process, George Vo-Duc was selected to become the Midvale City Justice Court Judge. On November 1, 2016 the Midvale City Council ratified the Mayor’s selection, which was then forwarded to the Administrative Office of the Courts (AOC).

Mr. Vo-Duc has undergone training with the AOC and has been appointed as the Justice Court Judge for Midvale City in accordance with the requirements of the AOC. A resolution has been prepared for the Council’s consideration confirming the Mayor’s appointment of George Vo-Duc as the Midvale City Justice Court Judge. The Oath of Office will also need to be administered at the meeting.

George Vo-Duc said he’s been on the bench for just over a week. He knew this was the right decision. He said he could not ask for a better position.

**MOTION:** Councilmember Paul Hunt MOVED to approve Resolution No. 2017-R-04 Appointing George Vo-Duc as the Midvale City Justice Court Judge. The motion was SECONDED by Councilmember Wayne Sharp. Mayor Seghini called for discussion on the motion. There being none she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown Aye
- Council member Paul Glover Aye
- Council member Paul Hunt Aye
- Councilmember Wayne Sharp Aye
- Council member Quinn Sperry Aye

The motion passed unanimously.

The Oath of Office was administered to Judge George Vo-Duc by Rori Andreason, City Recorder.

B.  **CONSIDER ADOPTION OF RESOLUTION NO. 2017-R-07 AUTHORIZING THE ISSUANCE AND SALE OF NOT MORE THAN $11,500,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2017; AND RELATED MATTERS**

Laurie Harvey said the City is considering issuing Sales Tax Revenue Bonds in order to fund reconstruction and rehabilitation of roads. The project consists of bringing all roads in the City to a Pavement Condition Index of at least 80, and reconstructing and adding curb/gutter,
sidewalk, and storm drain features to about fourteen Midvale City streets. The project is expected to begin this spring, with a completion date of spring 2020.

The first step in the process of issuing the bonds is to adopt a Parameters Resolution setting forth our intent.

This Resolution authorizes the issuance of not more than $11.5 million of sales tax revenue bonds at an interest rate not to exceed six percent (6.0%) per annum, to mature in not more than 21 years, and to be sold at a price not less than 97% of the total principal amount thereof. The resolution also authorizes officers of the City to approve the final terms and provisions of the bonds within the parameters set forth.

A notice of intent to issue bonds will be published no less than fourteen days before the required public hearing. The public hearing is scheduled for March 7, 2017. The purpose of the public hearing is to receive input from the public with respect to the issuance of the Bonds and the potential economic impact that the Project will have on the private sector. A 30-day contest period will follow the public hearing.

**FISCAL IMPACT:**
We anticipate that the issuance of the bonds will provide construction funds of $9 million. Based upon a term of fifteen years, estimated debt service is about $810,000 per year. We plan to service the debt with B&C road revenue, which we estimate at $1.1 million per year.

Laura Lewis said the resolution before you is a parameters resolution to set the maximum bonds to be issued the term and the maximum underwriter’s discount. The terms are higher than what the actual terms will be for flexibility. She said they anticipate closing on April 18th. She discussed the process used to market the bonds. The public hearing for this matter will be held on March 7th.

**MOTION:** Councilmember Paul Hunt MOVED to adopt Resolution No. 2017-R-07 Authorizing the issuance and sale of not more than $11,500,000 aggregate principal amount of sales tax revenue bond series 2017; fixing the maximum aggregate principal amount of the bonds, the maximum number of years over which the bonds may mature, the maximum interest rate which the bonds may bear, and the maximum discount from par at which the bonds may be sold; delegating to certain officers of the issuer the authority to approve the final terms and provisions of the bonds within the parameters set forth herein; providing for the publication of a notice of public hearing and bonds to be issued; providing for the running of a contest period and setting of a public hearing date; authorizing and approving the execution of an indenture, a preliminary official statement, an official statement, a bond purchase agreement, and other documents required in connection therewith; authorizing the taking of all other actions necessary to the consummation of the transactions contemplated by this resolution; and related matters. The motion was SECONDED by Councilmember Wayne Sharp. Mayor Seghini
called for discussion on the motion. There being none she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown: Aye
- Council member Paul Glover: Aye
- Council member Paul Hunt: Aye
- Councilmember Wayne Sharp: Aye
- Council member Quinn Sperry: Aye

The motion passed unanimously.

C. DISCUSSION AND ACTION ON RESOLUTION NO. 2017-R-05

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH VANCON INC. FOR THE CONSTRUCTION OF THE JORDAN VALLEY WATER CONSERVANCY DISTRICT 700 EAST METERING STATION

Keith Ludwig said as the Council may be aware, currently the City receives water from Sandy City for the eastern half of the City. This has in the past caused both Cities’ issues with water pressure. The City’s intent since taking over that water system was to eventually have water supplied by Jordan Valley Water Conservancy District (JVWCD). The first phase of that transition is now ready to be built.

The City’s consultant, Hansen, Allen, & Luce Inc., has designed a metering station to be located at roughly 7600 South 700 East. The meter station will tie into a 33” diameter line owned by JVWCD and then connect to the City’s distribution system. This project was put out to bid December 13th, 2016 with a bid opening of January 12th, 2017. Six total bids were received.

The bids were evaluated based on the criteria outlined in the bid documents, which include the bid price at 40% of the total score, approach to the project at 30% of the total score and past experience, including past work they have done with Midvale City, also at 30% of the total score.

Staff carefully looked at the approach that each contractor submitted. They were concerned as to how they would handle access into homes and businesses, traffic control, their approach to public relations, how they see the construction process progressing, and any other aspect to this project that the contractor views as crucial to its success.

The low score went to VanCon Inc. and staff recommended awarding this bid to them. The City has worked with VanCon previously, and is confident they can do the work in a timely and professional manner. In order to move this project along as fast as possible so the meter station will be operation prior to the summer high demand, he asked the Council to suspend the rules to take action on this item tonight.

FISCAL IMPACT: Their bid of $286,700 is within the budget of $1,406,000. The remaining portion of that budget, roughly $1.119 million will be used for the 2017 Waterline Replacement Project that will go out to bid in the near future.
MOTION: Councilmember Quinn Sperry MOVED to suspend the rules and approve Resolution No 2017-R-05, approving the agreement with VanCon Inc. for the construction of the JVWCD 700 East Meter Stations and authorize the Mayor to sign the agreement. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown  Aye
- Council member Paul Glover  Aye
- Council member Paul Hunt  Aye
- Councilmember Wayne Sharp  Aye
- Council member Quinn Sperry  Aye

The motion passed unanimously.

D. APPROVE RESOLUTION NO. 2017-R-06 A RESOLUTION INDICATING THE INTENT OF MIDVALE CITY COUNCIL TO ADJUST THE COMMON BOUNDARY WITH MURRAY CITY AT APPROXIMATELY 6604-6654 SOUTH 700 WEST AND SETTING A DATE FOR A PUBLIC HEARING TO BE HELD AT 7:00 P.M. ON APRIL 18, 2017

Kane Loader said Garbett Homes has purchased or in the process of purchasing the properties located at approximately 6604 – 6654 South 700 West, Murray City, with the intent of developing the property into 94 – 139 single-family homes. In the course of discussing this proposed development with Murray, it became apparent that it would be difficult to connect the development to Murray’s utilities—especially the Murray’s sewer lines—due to the topography of the development. Murray proposed that the development remain in Murray, but connect to Midvale’s utilities. However, Midvale did not feel that having nonresidents attached to the City’s utilities was in its best interest.

After reviewing its options, Garbett then approached both Murray and Midvale about a boundary line adjustment so that the property could become a part of Midvale and consequently could be connected to Midvale’s utilities. Both cities have reviewed this proposal and feel this is the most appropriate course of action in order for Garbett to develop the property.

In order to complete the boundary line adjustment, both cities will need to follow the procedure outlined in Utah Code 10-2-419. This procedure will involve simultaneous actions by both Midvale and Murray City Councils in order for the boundary line adjustment to take place. In this spirit, Murray and Midvale will both be considering similar resolutions tonight.

MOTION: Councilmember Wayne Sharp MOVED to open this item up to public comment. The motion was SECONDED by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

Jacob Alstead, Garbett Homes, said there is value of having new single family residences in the City.
Councilmember Paul Glover said the single family homes in that area are stable. He was in favor of moving forward. Councilmember Stephen Brown agreed.

Councilmember Wayne Sharp asked for an assurance that only single family homes will be built in this area.

Phillip Hill said the development will be in the SF-2 zone so single family homes must be built. Murray City also wants an agreement that Midvale won’t change the zone.

MOTION: Councilmember Wayne Sharp MOVED to close this item up to public comment. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

MOTION: Councilmember Paul Hunt MOVED that we approve Resolution No. 2017-R-06 indicating the City Council’s intent to adjust the common boundary with Murray City at approximately 6604 – 6654 South 700 West and set a date for the public hearing to be held at 7:00 p.m. on April 18, 2017. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown Aye
- Council member Paul Glover Aye
- Council member Paul Hunt Aye
- Councilmember Wayne Sharp Aye
- Council member Quinn Sperry Aye

The motion passed unanimously.

X. CLOSED SESSION TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL

MAYOR: Mayor JoAnn B. Seghini

COUNCIL MEMBERS: Council Member Wayne Sharp
- Council Member Stephen Brown
- Council Member Paul Glover
- Council Member Paul Hunt
- Council Member Quinn Sperry

STAFF: Kane Loader, City Manager; Phillip Hill, Asst. City Manager/CD Director; Laurie Harvey, Asst. City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; and Lisa Garner, City Attorney.

MOTION: Councilmember Wayne Sharp MOVED to go into a closed session to discuss the character, professional competence or physical or mental health of an individual. The motion was SECONDED by Councilmember Stephen Brown.
Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

- Council member Stephen Brown: Aye
- Council member Paul Glover: Aye
- Council member Paul Hunt: Aye
- Councilmember Wayne Sharp: Aye
- Council member Quinn Sperry: Aye

The motion passed unanimously.

The Council went into closed session at 8:48 p.m. Mayor Seghini excused herself from the closed session at 8:52 p.m.

**MOTION:** Councilmember Wayne Sharp MOVED to reconvene into open session. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none she called for a vote. The motion passed unanimously.

The Council reconvened into open session at 10:00 p.m.

**X. ADJOURN**

**MOTION:** Councilmember Wayne Sharp MOVED to adjourn the meeting. Councilmember Paul Hunt SECONDED the motion. Mayor Seghini called for discussion on the motion. There being none, she called for a vote. The motion passed unanimously.

The meeting adjourned at 10:01 p.m.

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Rori L. Andreason, MMC  
H.R. DIRECTOR/CITY RECORDER

Approved this 21st day of February, 2017.
SUBJECT: Resolution Appointing Council Member Wayne Sharp to represent Midvale City on the Unified Police Governing Board

SUBMITTED BY: Mayor JoAnn B. Seghini

SUMMARY:
Council Member Wayne Sharp has agreed to serve as the City’s Representative on the Unified Police Governing Board. A Resolution has been prepared for the Council’s consideration.

STAFF’S RECOMMENDATION AND MOTION: I move to approve Resolution No. 2017-R-09 A Resolution of the City Council of Midvale City Appointing Council Member Wayne Sharp as the City’s representative on Unified Police Department Governing Board.

Attachments: Proposed Resolution
MIDVALE CITY, UTAH

RESOLUTION NO. 2017-R-09

A RESOLUTION OF THE CITY COUNCIL OF MIDVALE CITY APPOINTING WAYNE SHARP AS THE CITY’S REPRESENTATIVE TO THE UNIFIED POLICE DEPARTMENT GOVERNING BOARD.

WHEREAS, Midvale City joined the Unified Police Department in 2011 to provide police and related services to the citizens and businesses of the City; and

WHEREAS, law enforcement service to the City is of utmost concern; and

WHEREAS, UPD is governed by representatives of member cities by a Governing Board,

NOW, THEREFORE, be it resolved by the City Council of Midvale City that Wayne Sharp be appointed as its representative to the governing board of the Unified Police Department.

PASSED AND APPROVED this 21st day of February, 2017.

MIDVALE CITY

JoAnn B. Seghini Mayor

VOTING:

Quinn Sperry Yea ___ Nay ___
Paul Glover Yea ___ Nay ___
Paul Hunt Yea ___ Nay ___
Wayne Sharp Yea ___ Nay ___
Stephen Brown Yea ___ Nay ___

ATTEST:

__________________________________
Rori L. Andreason MMC
City Recorder
SUBJECT:

Set Public Hearing for March 7, 2017 and Discussion on a text amendment request to amend the accessory structure (unoccupied) standards for corner lots within single-family residential zones.

SUBMITTED BY:

Matt Hilderman, Associate Planner

SUMMARY:

The City Council made a request to review our development lot standards for corner lots within the Single-Family Residential Zones (SF-1 & SF-2). The discussion suggested reviewing the existing lot and development standards for corner lots and proposing an allowance for additional development on larger corner lots with existing residential homes, specifically looking at the limitation created by the lot depth standard required on corner lots.

On December 14, 2016, Staff discussed with the Commission proposed language to allow an additional single family lot to be created in certain instances and on January 11, 2017, the Commission forwarded a positive recommendation of the ordinance amendment with the following motion:

“In order to provide additional opportunities for new single family detached homes in stable, residential neighborhoods and to mitigate visibility limitations on corner lots, I move that we forward a positive recommendation to the City Council to add language in the SF-1 and SF-2 Zones corner lots as included in Attachment A but deferring a decision on ancillary buildings in those lots for further Staff review and rewriting of language. ”

The current language for accessory structures within Single-Family Residential zones is identified as the following:

<table>
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<tr>
<th>Accessory Structure</th>
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<tr>
<td>Located no less than 6 ft. from main bldg.</td>
</tr>
<tr>
<td>Located in either rear or side yard</td>
</tr>
<tr>
<td>Minimum of 2 ft. from rear and side lot lines, including eaves</td>
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<tr>
<td>Height not exceed 20 ft. to midpoint for sloped roof, 16 ft. to cornice for flat roof</td>
</tr>
<tr>
<td>May range from 1 to ½ stories</td>
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<tr>
<td>Maximum building area is larger of 900 sq. ft. or 15% of lot area</td>
</tr>
<tr>
<td>May not have separate electrical, gas, sewer, or water services</td>
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The initial language proposed raised concerns from the Commission regarding the restriction requiring a corner lot accessory structure to be located behind a sight-obscuring fence. After further discussion with the Commission, additional language was proposed that included; a minimum two-foot (2’) setback from property lines behind a sight-obscuring fence; a minimum eight-foot (8’) setback from property lines if no sight-obscuring fence is present, shall not exceed a maximum footprint of 100 sq. ft., and for every foot away from the fence/property line an additional foot of height may be allowed.

Staff provided a few proposals for further review and discussion with the Planning Commission and included language from the information and exceptions identified above.
The Planning Commission reviewed this information on February 18, 2017 and forwarded a positive recommendation to the City Council to approve the revised ordinance language with the following motion:

“In order to provide a reasonable use of individual properties for single-family homes in stable, residential neighborhoods and to protect the streetscape on corner lot developments, I move we forward a positive recommendation to the City Council to add language in the SF-1 and SF-2 zones for exceptions to accessory structures on corner lots, as included in Attachment A”

**FISCAL IMPACT:** N/A

**Attachments:**

- Attachment A
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.

17-7-1.9 Accessory structures (unoccupied).

New development of an accessory structure intended for storage and not for human occupancy is an allowed use and shall meet the following development standards:

A. Proximity. An accessory structure must be located no less than six feet from the main building.

B. Location. The accessory structure must be located in either the rear or side yard. Exception for corner lots provided in subsection I below.
C. Setbacks. The accessory structure, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code.

D. Height. Accessory structure height may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.

E. Stories. An accessory structure may range from one to one and one-half stories.

F. Building Area. The maximum area of an accessory structure is the larger of nine hundred square feet or thirteen percent of the lot area.

G. Utilities. An accessory structure may not have a separate electrical service, gas service, sewer service or water service.

H. Maintenance. It is the responsibility of the property owner to ensure the setback area between the accessory structure and the property line remains free of weeds, junk and debris.

I. Corner lot exception. Unoccupied accessory structures may be allowed where one front yard functions as a side yard. On these lots, accessory structures shall be permitted to encroach within the required front yard subject to the following requirements:

   i. The accessory structure may be allowed within one front yard; opposite of the front yard associated with the structural front entrance location.

   ii. The accessory structure, including eaves, must be a minimum of two feet from all property lines, subject to the following:

       a. The accessory structure must be located behind a minimum six-foot, solid, sight-obscuring fence and the initial height shall correlate with the adjacent fencing height. Said fence shall comply with all fencing requirements in Section 17-7-1.6.

       b. If a non-sight obscuring fence is existing, proposed to be constructed, or if no fencing is present; the accessory structure, including eaves, must be a minimum of eight feet from all property lines and the initial height shall not exceed eight feet.
c. For every two feet the accessory structure is setback from the identified property line or fence line, the accessory structure may extend an additional one foot in height, not to exceed a maximum of twenty feet.

iii. The maximum area of the accessory structure shall be one hundred square feet.

iv. All construction must be done in accordance with the building code.

v. The accessory structure must be located no less than six feet from the main building.

Chapter 17-7-2
SINGLE FAMILY RESIDENTIAL ZONE (SF-2)

Sections
17-7-2.1 Purpose.
17-7-2.2 Use table.
17-7-2.3 Lot standards.
17-7-2.4 Development standards.
17-7-2.5 Neighborhood compatibility.
17-7-2.6 Fences, hedges and walls.
17-7-2.7 Landscaping.
17-7-2.8 Parking.
17-7-2.9 Accessory structures (unoccupied).
17-7-2.10 Master planned development.
17-7-2.11 Conditional use standards of review.
17-7-2.12 Home occupation standards.
17-7-2.13 Signs.
17-7-2.14 Related provisions.
17-7-2.15 Camping.

17-7-2.9 Accessory structures (unoccupied).

New development of an accessory structure intended for storage and not for human occupancy is an allowed use and shall meet the following development standards:

A. Proximity. An accessory structure must be located no less than six feet from the main building.

B. Location. The accessory structure must be located in either the rear or side yard. Exception for corner lots provided in subsection I below.

C. Setbacks. The accessory structure, including eaves, must be a minimum of two feet from the rear and side lot lines. All construction must be done in accordance with the building code.

D. Height. Accessory structure height may not exceed twenty feet to the midpoint for a sloped roof and sixteen feet to the cornice for a flat roof.

E. Stories. An accessory structure may range from one to one and one-half stories.
F. Building Area. The maximum area of an accessory structure is the larger of nine hundred square feet or thirteen percent of the lot area.

G. Utilities. An accessory structure may not have a separate electrical service, gas service, sewer service or water service.

H. Maintenance. It is the responsibility of the property owner to ensure the setback area between the accessory structure and the property line remains free of weeds, junk and debris.

I. Corner lot exception. Unoccupied accessory structures may be allowed where one front yard functions as a side yard. On these lots, accessory structures shall be permitted to encroach within the required front yard subject to the following requirements:

   i. The accessory structure may be allowed within one front yard; opposite of the front yard associated with the structural front entrance location.

   ii. The accessory structure, including eaves, must be a minimum of two feet from all property lines, subject to the following:

      a. The accessory structure must be located behind a minimum six-foot, solid, sight-obscuring fence and the initial height shall correlate with the adjacent fencing height. Said fence shall comply with all fencing requirements in Section 17-7-1.6.

      b. If a non-sight obscuring fence is existing, proposed to be constructed, or if no fencing is present; the accessory structure, including eaves, must be a minimum of eight feet from all property lines and the initial height shall not exceed eight feet.

      c. For every two feet the accessory structure is setback from the identified property line or fence line, the accessory structure may extend an additional one foot in height, not to exceed a maximum of twenty feet.

   iii. The maximum area of the accessory structure shall be one hundred square feet.

   iv. All construction must be done in accordance with the building code.

   v. The accessory structure must be located no less than six feet from the main building.
SUBJECT:
Set Public Hearing for March 7, 2017 and Discussion on a Subdivision Plat for Riverwalk at Bingham Junction Lot 8 Amended located at 7111 South Bingham Junction Boulevard

SUBMITTED BY:
Matt Hilderman, Associate Planner

SUMMARY:
The Riverwalk at Bingham Junction Lot 8 Amended Subdivision plat consists of two (2) proposed lots on a total of 2.611 acres located North of Jordan River Boulevard (7200 South), between Bingham Junction Boulevard (900 W) and 700 West. The initial subdivision plat consists of nine, existing commercial lots known as the Riverwalk Retail Center Large Scale Master Plan and identified as Lot 8 of the Riverwalk at Bingham Junction Lot 4D & 4E Amended Subdivision plat. Each lot either provides or is proposed to provide commercial and retail services, including drive-thru and sit down restaurants, to accommodate the surrounding uses. The applicant and developer, Wadsworth Development Group, are requesting subdivision approval to create a 2-lot subdivision for the existing Lot 8. In addition, this plat continues to recognize the necessary public utility providers and easements for services. This area is subject to the requirements of the Bingham Junction Zone, the Riverwalk Overlay, and the Riverwalk Retail Center Development Agreement.

The proposed amended subdivision plat is attached. This plat reflects and is consistent with the Small Scale Master Plan for the Riverwalk Shopping Center Lot 8, approved on March 3, 2016. The applicant has indicated that the existing structure for the tenant, identified as D1 Sports Training and proposed as Lot 8A, is estimated to be six-inches (6”) from the proposed lot line. The future building for Lot 8B, proposed to provide retail services, will also be six-inches (6”) from the proposed lot line, thus creating a one-foot (1’) separation between both structures. The total amount of parking stalls required for Lot 8A, based on the existing use, is estimated to be eight (8); the amended plat will provide a total of forty-eight (48) stalls, thus assigning a total of seventy-six (76) stalls remaining and available for Lot 8B. The applicant has also provided information that the pedestrian and vehicular accesses will continue to remain and be recognized in the existing declaration of covenants, conditions, and restrictions (CC&R’s).

The proposed subdivision plat was reviewed and approved by the City Engineer and Fire Marshall. All utility companies will need to be notified regarding utility easements and notes on the subdivision plat. For a minor subdivision approval, this request complies with the City’s subdivision requirements and final approval will require compliance with the conditions recommended below. All subdivisions require a review and recommendation from the Planning Commission and approval from the City Council. Public hearings are required to be held by each body.

The Planning Commission conducted a public hearing on this subdivision plat on February 8, 2017. Based on compliance with the City’s subdivision requirements and compliance with the approved Small Scale Master Plan for the remainder of the project, the Planning Commission forwarded a positive
recommendation to the City Council to approve the amended subdivision plat for the Riverwalk at Bingham Junction Lot 8 Amended with the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer, Fire Marshall, and City Council.
2. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Century Link Communications, and UTOPIA regarding the utility easements on the subdivision plat prior to final approval.

**FISCAL IMPACT:** N/A

**Attachments:**

- Vicinity Map
- Original Subdivision Plat
- SSMP Riverwalk Shopping Center Lot 8
- Declaration of Easement and Conditions
- Amended Subdivision Plat
GENERAL NOTES:

1. All improvements to be constructed in a neat and professional manner.
2. All improvements to be made in accordance with all applicable codes, regulations, and standards.
3. All improvements to be made in accordance with the latest edition of the MUTCD.
4. All improvements to be made in accordance with the latest edition of the AASHTO standards.
5. All improvements to be made in accordance with the latest edition of the ADA standards.
6. All improvements to be made in accordance with the latest edition of the ASME standards.
7. All improvements to be made in accordance with the latest edition of the NFPA standards.
8. All improvements to be made in accordance with the latest edition of the OSHA standards.
9. All improvements to be made in accordance with the latest edition of the EPA standards.
10. All improvements to be made in accordance with the latest edition of the IBC standards.
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50. All improvements to be made in accordance with the latest edition of the OSHA standards.
DECLARATION OF EASEMENTS AND CONDITIONS

THIS DECLARATION OF EASEMENTS AND CONDITIONS ("DEC") is made as of the 25th day of June 2008, by and between RIVERWALK INVESTMENT HOLDINGS, LLC, a Utah limited liability company, ("Riverwalk") and JORDAN RIVER BOULEVARD PARTNERS, LLC, a Delaware limited liability company ("Jordan River Boulevard Partners").

RECITALS

This DEC is made with reference to the following facts and objectives:

A. Jordan River Boulevard Partners is the owner of a certain Parcel of land in the City of Midvale, County of Salt Lake, State of Utah more particularly described on Exhibit A, attached hereto (the "Jordan River Boulevard Partners Property").

B. Riverwalk is the owner of certain Parcels of land in the City of Midvale, County of Salt Lake, State of Utah, more particularly described on Exhibit A-1, attached hereto (the "Riverwalk Property", and together with the Jordan River Boulevard Partners Property, the "Shopping Center").

C. The Shopping Center consists of approximately 22.68 acres of land comprised of six (6) contiguous Parcels identified on the Site Plan attached hereto as Exhibit B (the "Site Plan"). Jordan River Boulevard Partners owns the Parcel identified on the Site Plan as "Parcel A" and Riverwalk owns the Parcels identified on the Site Plan as "Parcel B", "Parcel C", "Parcel D", "Parcel E", and "Parcel F."

D. The Shopping Center is part of a larger area of development which is encumbered by that certain Declaration for Bingham Junction recorded in the real property records of Salt Lake County, Utah on or about March 10, 2006 as Instrument Number 9659801, as amended by that certain Amended and Restated Declaration for Bingham Junction recorded in the real property records of Salt Lake County, Utah on or about November 20, 2007 as Instrument Number 10281123 (the "Master Declaration"). The Shopping Center is further encumbered by that certain Master Development Agreement for the Bingham Junction Project Midvale City, Utah (the "Master Development Agreement") dated April 6, 2005 by and between Littleson, Inc. and Midvale City and recorded in the real property records of Salt Lake County, Utah on or about March 10, 2006 as Instrument Number 9659803.

E. In accordance with and subject to the terms and conditions set forth in the Master Declaration, Jordan River Boulevard Partners and Riverwalk intend for the Shopping Center to be developed as an integrated retail shopping complex and not as a planned unit development. In order to effectuate the common use and operation of certain portions of the Shopping Center, Jordan River Boulevard Partners and Riverwalk desire to grant certain reciprocal easements into, over, and across certain portions of the Shopping Center and impose certain conditions and restrictions thereon, as hereinafter set forth.
(e) Subject to the requirements of this Agreement, each Party hereby grants and conveys to each other Party and to its respective contractors, materialmen, and laborers a temporary license for access and passage over and across the Common Area of the grantor’s Parcel as shall be reasonably necessary for the grantee to construct and/or maintain improvements upon the grantee’s Parcel. Prior to exercising the rights granted herein, the grantee shall first furnish to the grantor a certificate of insurance showing that its contractor has obtained the minimum insurance coverage required by Section 5.4(b). Any Party availing itself of the rights granted in this Section shall promptly pay all costs and expenses associated with such work, shall diligently complete such work as quickly as possible, and shall promptly clean the area, and restore and/or repair the affected portion of the Common Area to a condition which is equal to or better than the condition which existed prior to the commencement of such work. Notwithstanding the foregoing, in the event a dispute exists between the contractor, laborers, suppliers, and/or others connected with construction activities, each Party shall have the right to prohibit the contractor, laborers, suppliers, and/or others working for another Party from using the Common Area on its Parcel until such dispute is settled or otherwise terminated.

3.2. Common Area. The Parties have agreed that the Common Area of the Shopping Center shall be initially constructed as shown on the Site Plan, or as finally approved by the City of Midvale, pursuant to a separate Development Agreement between Riverwalk and Jordan River Boulevard Partners; provided, however, that no fence or other barrier which would prevent or unreasonably obstruct the passage of pedestrian or vehicular travel within the Common Area shall be erected or permitted within or across the Common Area, exclusive of the limited curbing and other forms of traffic control depicted on the Site Plan and permitted staging and/or storage areas. The following minimum general design standards shall be complied with throughout the term of this DEC:

(a) Subject to governmental requirements, the lighting system shall be designed to produce a minimum maintained lighting intensity measured at grade at all points in the Common Area of 2.0 foot candle; provided, however, that the extreme edge of the parking or drive areas may have not less than a minimum maintained lighting intensity measured at grade of 2.0 foot candle, and provided further that the drive areas immediately in front of the entrance to any building shall have not less than a minimum maintained lighting intensity measured at grade of 4.0 foot candles. The type and design of the Common Area light standards shall be approved by the Approving Parties, which approval shall not be unreasonably withheld or delayed.

(b) The slope in the parking area shall not exceed a maximum of three percent (3%) nor be less than a minimum of one percent (1%).

(c) All sidewalks and pedestrian aisles shall be concrete or other approved materials. The automobile parking areas, drives, and access roads shall be designed in conformity with the recommendations of a registered soils engineer reasonably approved by the Approving Parties which shall require the installation of a suitable base and the surfacing with an asphalt concrete or concrete wearing material or other suitable product of similar efficacy and attractive appearance.

(d) Utility Lines that are placed underground shall be at depths designated in writing by professional qualified consultants, but not more or less than allowed by the Master Documents and City of Midvale’s zoning or ordinances. If surface water retention and/or detention areas are located outside of the general parking lots, such areas shall be fenced or otherwise secured to impede public access thereto.

(e) The parking area on the Jordan River Boulevard Partners Property and on each separate Parcel shall contain sufficient ground level parking spaces in order to comply with the following minimum requirements:
(i) the number of parking spaces and the configuration of the parking spaces for each Parcel shall be in conformance with the requirements of the City of Midvale; and

(ii) if a business use contains a drive-up unit (such as remote banking teller or food ordering/dispensing facility), then, there shall also be created space for stacking not less than five (5) automobiles for each drive-up unit.

In the event of a condemnation of part of a Parcel or sale or transfer in lieu thereof that reduces the number of usable parking spaces below that which is required herein, the Party whose Parcel is so affected shall use its best efforts (including using proceeds from the condemnation award or settlement) to restore and/or substitute ground level parking spaces in order to comply with the parking requirements set forth in this DEC. If such compliance is not commercially feasible, such Party shall not be deemed in default hereunder, but such Party shall not be permitted to expand the amount of Floor Area located upon its Parcel unless authorized to do so by the Approving Parties in their absolute and unreviewable discretion. If such Floor Area is thereafter reduced other than by casualty, then the Floor Area on such Parcel may not subsequently be increased unless the parking requirement is satisfied or unless otherwise authorized to do so by the Approving Parties in their absolute and unreviewable discretion.

(f) Each Party hereby reserves the right, from time to time without obtaining the consent or approval of any other Party, to make at its own expense any change, modification, or alteration in portion of the Common Area on its Parcel provided that:

(i) such change, modification, or alteration does not violate any term or condition of this DEC or the Master Documents;

(ii) the accessibility of such Common Area for pedestrian and vehicular traffic (as it relates to the remainder of the Shopping Center) is not unreasonably restricted or hindered;

(iii) there shall be maintained at all times within such Common Area, a sufficient number of vehicular parking spaces to meet the parking requirements set forth in Section 3.2(e), as well as all governmental rules, regulations, and/or ordinances relating to parking requirements;

(iv) no governmental rule, ordinance, or regulation shall be violated as a result of such action, and such action shall not result in any other Party being in violation of any governmental rule, ordinance, or regulation;

(v) no change shall be made in the access points between the Common Area and the public streets, including any change to the access points to the Shopping Center from Bingham Junction Boulevard; provided, however, that additional access points may be created with the approval of the Approving Parties, such approval not to be unreasonably withheld;

(vi) at least thirty (30) days prior to making any such change, modification, or alteration, the Party desiring to do such work shall deliver to each other Party copies of the plans therefor, and provided further that, except for the initial construction of the Common Area, such work shall not occur between October 1st and the following January 31st;

(vii) The installation of outdoor facilities in the Common Area such as mailboxes, public telephones, and benches must be approved by the Approving Parties in their absolute and unreviewable discretion; and
SUBJECT:

Set Public Hearing for March 7, 2017 and Discussion on a request to Rezone Lot 2 of the Union Woods Subdivision (2.46 acres) located at 7120 South Union Park Avenue to include the Regional Commercial Residential Overlay

SUBMITTED BY:

Lesley Burns, City Planner

SUMMARY:

The applicant, Union Woods Acquisitions Partners LLC, represented by Dusty Harris, is proposing to redevelop a portion of its existing 5.58 acre office development site located at 7090 South Union Park Avenue. Currently, the property includes a six story office building (approx. 82,000 square feet of leasable space) and surface parking. The applicant is proposing to replace the majority of the surface parking with a 209 unit apartment building and a four level commercial parking structure. The existing office building would remain on approximately 3.12 acres of the site, which would also include the proposed commercial parking structure located directly west of the office building. The apartment building is proposed to be located on the remaining 2.46 acres of the site at the south end of the overall property. This proposal requires the following approvals from the City. (When the application was originally submitted, an amendment to the General Plan Proposed Land Use Map was also required. With the adoption of the Midvale City General Plan 2016, this is no longer necessary.)

1. A subdivision plat dividing the overall property into two lots, one lot for the office and proposed commercial parking structure and one lot for the proposed multi-family residential building.
2. A rezone of the 2.46 acre residential lot to include the Regional Commercial Residential Overlay.
3. A conditional use permit for the proposed multi-family residential use.
4. A site plan approval for the new structures and how they integrate with the existing and surrounding development.
5. A development agreement.

The City Council approved the final subdivision plat for the two lot subdivision on January 17, 2017. The applicant is completing the conditions of approval in order to record the plat.
At this time, the applicant is requesting the City Council approves the rezone request to include the Regional Commercial Residential Overlay (RCRO) on the 2.46 acres for the residential component of the proposed project (Lot 2 in the Union Woods Subdivision). This property is currently zoned RC. The ordinance requires that a proposed development plan be submitted in conjunction with this type of rezone request. It also requires that a development agreement be executed between the City and the property owner/developer to ensure the development is constructed in accordance with the expectations of the RCRO.

To utilize the RCRO, it must be demonstrated the proposed development fulfills the following goals:

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.

The applicant has submitted a written summary explaining how this proposal fulfills each of these goals, as well as a proposed site plan. The City Council will need to consider this rezone request in conjunction with the proposed site plan and determine if the proposal fulfills the goals in order for the applicant to utilize the RCRO to allow the residential component of this overall project.

On October 12, 2016, the Planning Commission conducted a public hearing and reviewed the development proposal in detail. After considering the public input received and all of the information provided regarding the specific development proposal, the Planning Commission forwarded a positive recommendation to the City Council to approve the rezone request. The Planning Commission’s motion was as follows:

“Based on consistency with the General Plan, and the finding that the proposed redevelopment of the 7090 South Union Park Avenue property fulfills goals A-G of the Regional Commercial Residential Overlay and supports and enhances the existing Fort Union commercial area, I move that we forward a positive recommendation to the City Council to rezone the proposed Lot 2 of the Union Woods Subdivision to include the Regional
Commercial Residential Overlay. It is recommended that the effective date of the ordinance approving the rezone be tied to the City Council’s approval and execution of a Development Agreement for the project site.”

The Planning Commission also approved the proposed preliminary site plan and conditional use permit with the following findings and conditions:

Findings:

1. With the conditions included with the Planning Commission’s approval, the proposed preliminary site plan complies with the development standards and requirements of the Regional Commercial Zone and the Regional Commercial Residential Overlay;
2. The proposed recreational amenity areas are appropriate and adequate for the proposed multi-family development in concept;
3. Because of the proposed proximity and pedestrian connections between the proposed apartment building and commercial parking structure, some of the required parking stalls for the proposed apartment building may be located in the proposed commercial parking structure, provided the number of stalls does not exceed 12% of the required apartment building parking and the number of parking stalls in the parking structure is at least 260 stalls;
4. With the proposed design and architectural details of the apartment building, including: the northeast corner having two story store front windows; the ground floor parking level having screened openings similar to window openings; the exterior material and color variations; and the building location not being directly adjacent to a public right-of-way; the two levels of podium parking and reduction in the amount of ground floor glass along the north elevation are appropriate;
5. The overall proposed apartment building design, including balconies, façade shifts, and variation in exterior materials and colors, is appropriate for the area; and
6. Based on the location, design and the exterior materials and colors being compatible with the existing office building and proposed apartment building, the proposed commercial parking structure is appropriate for the area.

Conditions:

1. This approval is contingent upon the City Council approving the general plan amendment changing the land use designation from office to mixed use and rezoning Lot 2 of the Union Woods Subdivision to include the Regional Commercial Residential Overlay.
2. The applicant shall obtain a “will serve” letter from Cottonwood Improvement District for sewer service prior to approval of the development agreement.
3. The applicant shall comply with all requirements from the City Engineer and Fire Marshal.
4. The applicant shall continue to work with Salt Lake Public Utilities in addressing and resolving any issues with the East Jordan Canal easement.

5. The apartment building and commercial parking structure shall comply with the International Building Code. At a minimum, the stairwell door proposed at the southwest corner of the parking structure will need to be relocated.

6. A snow removal plan for the site shall be prepared and approved by the City Planner.

7. A landscape plan documentation package shall be prepared. This plan shall include all plant materials, sizes and irrigation. The plan shall also include the following:
   - Protection of existing landscaping to remain.
   - Five additional street trees along Union Park Avenue to bring current office area landscaping into compliance with current street tree requirement of one tree per 30 feet of frontage.
   - Building foundation landscaping along the north elevation of residential building; and the north, south and east elevations of the commercial parking structure.
   - Twenty-five percent of the new trees and shrubs are required to be an evergreen variety.
   - One tree for every 400 square feet of landscape area.
   - Additional columnar type trees planted along the east and south parking structure elevations.

8. Detailed plans for the outdoor recreational amenity areas (courtyards) shall be prepared and reviewed by the Planning and Zoning Commission at such time as the final site plan is submitted.

9. Crosswalks, where the proposed and existing walkways cross driveways through the site, shall be stamped concrete or asphalt, or other distinguishable material.

10. The applicant shall work with the owner of The Shops at Fort Union and receive permission to construct the proposed walkway connections across The Shops’ property.

11. The applicant shall verify parking stall counts in the podium style parking in the apartment building and provide the parking layout for all levels in the commercial parking structure prior to submittal of the final site plan.

12. An exterior lighting plan, complying with the City’s exterior lighting standards, for the surface parking areas, including the existing surface parking lot, and the parking structure shall be prepared and approved.

13. The building elevations for the apartment building and commercial parking structure shall clearly show all exterior materials and colors. Color samples shall be provided to the Planning and Zoning Commission.

14. A detail of the trash enclosure for the existing office building shall be prepared. The enclosure shall provide complete screening and be compatible with the building and parking structure.

15. 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. The final site plan shall address the conditions of this approval.
16. The applicant shall work with the City in drafting a development agreement for this project site. This agreement will need to be executed in conjunction with the effective date of the ordinance approving the rezone to allow the Regional Commercial Residential Overlay. The development agreement shall include a phasing land construction management plan addressing, at a minimum, how the existing office building will function during construction and provide temporary parking location(s) if necessary.

17. Before the final site plan is approved, the City Attorney will assure the Planning and Zoning Commission that legal issues surrounding all shared easements have been adequately resolved.

18. The applicant shall legally record the agreement to allow parking between the residential building and the commercial parking structure in perpetuity.

19. The applicant shall review with the Planning and Zoning Commission the final exterior color scheme before the final site plan is submitted, and show that the exterior finishes will not exceed the amount of stucco allowed.

20. The applicant will be responsible to provide an independent traffic study and work with the City Engineer to ensure the intersection at 1300 East and Union Park Avenue is designed to adequately handle traffic efficiently with the new development. This will be reviewed by the Planning and Zoning Commission at the time the final site plan is reviewed.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Staff agrees with the Planning Commission’s recommendation.

RECOMMENDED MOTION:

N/A

Attachments:

- Vicinity Map
- Approved Subdivision Plat
- Proposed Preliminary Site Plan
- Zoning Map
- Summary of Goals for Rezone
Union Woods
7090 S. Union Park Avenue
UNION WOODS
MIDVALE, UTAH

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SU-1 ALTA NSPS Land Title Survey
Su-2 ALTA NSPS Land Title Survey

Residential Building/ Unit Tabulation

Residential Parking Tabulation

Office Parking Tabulation

Residential Open Space

Impervious Coverage

Vicinity Map - NTS

A-1.0
TITLE SHEET
At least 25% of the landscaping must be evergreen.

No landscaping may be removed without replacement of equal or better quality.

A min of one tree for every 400 sf of landscaping is required for all landscaped area.

All deciduous trees shall have a min. caliper size of two inches.

All ornamental trees shall have a min. caliper size of one and one half inches.

All evergreen trees shall have a min. height of six feet.
2ND RESIDENTIAL LEVEL OVER PODIUM LEVEL
MATERIALS AND FINISH LEGEND

- EXTERIOR FINISH PLASTER
- VINYL WINDOWS
- PERFORATED METAL RAILING
- CORRUGATED METAL
- CEMENTITIOUS FIBER-CEMENT PANEL
- STOREFRONT WINDOW SYSTEM
- METAL U-ARMS ET AL.
- FAUX BRICK
- CEMENTITIOUS FIBER-CEMENT SIDING

NOTE: ALL MATERIALS NOTED “OR APPROVED EQUAL”

EAST (FRONT) ELEVATION:
GROUND FLOOR MATERIALS - 100%
STUCCO - 20%
GROUND FLOOR GLASS - 10% (Note: The Planning Commission may allow for a reduction in the amount of transparent glass if the applicant can demonstrate the building floor plan required by the use cannot effectively accommodate this requirement.) Due to the ventilation requirements for the use of parking structure on the ground floors, a combination of brick, perforated metal, and metal slat materials are used 100% for this project.

NORTH ELEVATION:
GROUND FLOOR MATERIALS - 100%
STUCCO - 50%
GROUND FLOOR GLASS - 18% (Note: The Planning Commission may allow for a reduction in the amount of transparent glass if the applicant can demonstrate the building floor plan required by the use cannot effectively accommodate this requirement.) Due to the ventilation requirements for the use of parking structure on the ground floors, a combination of brick, perforated metal, and metal slat materials are used 100% for this project.

SOUTH ELEVATION:
GROUND FLOOR MATERIALS - 100%
STUCCO - 50%
GROUND FLOOR GLASS - 0% (Note: The Planning Commission may allow for a reduction in the amount of transparent glass if the applicant can demonstrate the building floor plan required by the use cannot effectively accommodate this requirement.) Due to the ventilation requirements for the use of parking structure on the ground floors, a combination of brick, perforated metal, and metal slat materials are used 100% for this project.

1. EAST (FRONT) ELEVATION
2. NORTH ELEVATION
3. SOUTH ELEVATION

UNION WOODS  MIDVALE, UTAH
HINES

CONCEPTUAL RESIDENTIAL ELEVATIONS
UNION WOODS  MIDVALE, UTAH

CONCEPTUAL OFFICE PARKING STRUCTURE

HINES
Union Woods – Proposed Project Meets Overlay Zone Goals

A. Provides critical mass necessary to help facilitate the transition of regional commercial shopping centers into vibrant mixed-use developments;
   • Project will include 209 units.
   • Will be the area’s first new high-density multifamily in years, bringing new critical mass of shoppers.
   • Is located directly adjacent to area retailers.

B. Creates a consistently high quality urban environment;
   • Hines is a premier global developer of high quality institutional projects, with 8,500 units completed or under development.
   • Architects Orange is known for its high density quality apartment project designs.
   • The materials committed to the exterior will be of high quality and the interior finishes will exceed those of other units in the area.

C. Enhances the investment of those locating within the Regional Commercial zone;
   • Retailers benefit from increased foot traffic, enhancing the value of their location.
   • Residents benefit from easy access to grocers, restaurants, and work locations.

D. Promotes economic development by increasing the utilization of existing parcels within current developments;
   • This project maximizes use and value of the property by replacing a large surface parking lot with an institutional apartment project full of new residents/customers for adjacent retail uses.
   • The project also complements the use of commercial office and has an opposite traffic pattern, i.e., apartment cars will leave the site when office cars enter the site and vice versa.

E. Eliminates large underutilized surface parking areas by utilizing alternate parking methods, including but not limited to structured parking and shared parking;
   • The project will replace over 300 surface stalls with structured and shared parking, opening up land area for vertical development.

F. Provides compatibility between residential and commercial uses to create a comfortable environment for both shoppers and residents; and
   • The project will include new pedestrian walkways and access points that provide for comfortable and short walks from residences to retailers and offices.
   • Landscaping, open spaces, and ground-floor materials will be consistent with neighboring properties and attractive to pedestrians.

G. Provides pedestrian connections within and among developments to support pedestrian activity in existing auto-oriented developments and encourages pedestrian movement.
• Project walkways will tie in with neighboring walkways to allow for easy access.
• Doors around the ground floor and pedestrian connections will enable access to neighboring properties in each direction.
• Several open spaces create opportunities for gatherings and activities.