Mayor Pro-tem Stephen Brown called the meeting to order at 6:33 p.m.

I. INFORMATIONAL ITEMS
   A. DEPARTMENT REPORTS
Phillip Hill discussed a new proposed process for land use public hearings and the action taken.

City Council Public Hearings for Land Use Applications

Current Process
- Planning Commission Recommendation
- City Council Consent Agenda – set date & time for public hearing/City Council Discussion Items – presentation of project; discussion
- City Council Public Hearing – presentation of project; public hearing; Council takes action or tables decision for future meeting

Proposed Process
- Planning Commission Recommendation
- City Council Public Hearing – presentation of project; public hearing; Council can consider taking action or tabling decision for future meeting

Rezone Example with Dates
Current Process
Proceedings of the Midvale City Council Meeting  
March 7, 2017

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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<tbody>
<tr>
<td>April 12</td>
<td>Planning Commission forwards recommendation to the City Council</td>
</tr>
<tr>
<td>April 18</td>
<td>City Council sets date &amp; time for public hearing/discusses proposal</td>
</tr>
<tr>
<td>May 2</td>
<td>City Council public hearing/possible decision</td>
</tr>
<tr>
<td>May 16</td>
<td>City Council decision</td>
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**Proposed Process**

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The new process was discussed at length. The timeframe for the decisions could be close to the same with the new process.

Chief Jason Mazuran said they had a very productive training session with the Legal Department today.

Councilmember Paul Hunt said he received a request from Copperview Recreation Center to see if the police could do a few drive-bys so there is a police presence there especially around 6 am and 9 pm.

Chief Mazuran introduced Sgt. Jason Mudrock who is the Sergeant over the SWAT team. Having an excellent SWAT team available is essential to the safety of the police department. SWAT teams are expensive but when you need them, you have to have them. They have to be able to go in and resolve those difficult situations.

Sgt. Jason Mudrock described what the SWAT team does. He invited the Council to attend their trainings to see them in action.

Danny Walz discussed legislative bills regarding redevelopment. He updated the Council on the Jordan Bluffs property. He is moving forward with the developer and the EPA regarding this site. He discussed the time capsule under the bell and the old city hall site. He asked for direction from the Council. The Council said to have Public Works remove the bell and time capsule and take it over to Public Works until they decide what to do with it.

II. CITY MANAGER'S REPORT

Kane Loader discussed a few legislative bills that may impact the City. He updated the Council on the proposed Murray City boundary adjustment with the hearing scheduled for April 18, 2017.

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
Sophia Hawes-Tingey, Vice Chair of Midvale Community Council, thanked the Public Works Director for presenting to the Community Council. They will be sending invites to legislators to come to a legislative wrap up with the Community Council. They would like to thank the Mayor for her service to the City.

Ken Donarski, Manages Midvale Senior Center, thanked the Council for the new van. There are having a St. Patrick’s Day party on March 17th and invited everyone to attend. He also said the I-15 UDOT meeting will be at the Senior Center on March 29th.

Tyler Sharp asked the Council if they would like to see anything different for Harvest Days. Councilmember Quinn Sperry suggested a pickle ball tournament. He said Harvest Days is the week of August 6th-12th with block parties on the 7th, 8th, and 14th. Wednesday will be the Hall of Honors, Youth Ambassador and Arts Show. There will be nothing on Thursday. He wants to move the safety fair, bingo and dinner to Friday. After bingo-a band or movie. Saturday will include a 5k with the Hillcrest track team; Chris Butte or Chris Hayes will do the breakfast; parade; bands; food trucks and fireworks. He asked if Council wanted the Arts Council to take over and do whatever they would like.

Councilmember Sperry asked if the Community Council would be helping with the breakfast.

Councilmember Sharp suggested letting Chris Hayes know about how many people will be attending. He also suggested there be nothing after Bingo.

Councilmember Sperry asked how it was running during the day when the Arts Council took over for Saturday. Tyler said Saturday went very well.

Councilmember Hunt said he would follow up with the Arts Council and see what their plans are.

Tyler asked the Council if they would like something going on during the day on Saturday.

The Council agreed that they would like activities during the day on Saturday; however they said to keep the budget relatively inexpensive, and to come back with the ideas they can take to the budget retreat to discuss. They also made suggestions of incorporating the splash pad.

Laurene Walker said it does help to have food available in the park especially after the parade.

Lorene Butler said after the parade it would be great to have food for those who want to play in the splash pad. Her kids loved the old fire games as well. Everyone talks about the fireworks and how much they love them.

V. COUNCIL REPORTS
A. Councilmember Stephen Brown – Had nothing to report.
B. Councilmember Paul Glover – Had nothing to report.
C. Councilmember Paul Hunt – Had nothing to report.
D. Councilmember Quinn Sperry – Had nothing to report.

E. Councilmember Wayne Sharp – said if you come across something that looks like a hobo camp, call the police department and they will check it out.

VI. MAYOR REPORT
Mayor JoAnn B. Seghini was excused.

MOTION: Councilmember Paul Glover MOVED to open a public hearing. The motion was SECONDED by Councilmember Wayne Sharp. Mayor Pro-tem Stephen Brown called for discussion on the motion. There being none he called for a vote. The motion passed unanimously.

VII. PUBLIC HEARING(S)
A. PUBLIC HEARING REGARDING THE ISSUANCE AND SALE OF NOT MORE THAN $11,500,000 AGGREGATE PRINCIPAL AMOUNT OF SALES TAX REVENUE BONDS, SERIES 2017; AND ALLOW PUBLIC INPUT REGARDING POTENTIAL ECONOMIC IMPACT THAT THE PROJECT TO BE FINANCED WITH THE PROCEEDS OF THE SERIES 2017 BONDS MAY HAVE ON THE PRIVATE SECTOR; 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.

A parameters resolution was adopted on February 7, 2017, authorizing 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 was published in the newspapers on February 11 and February 18, the notice included the date, time and place of tonight’s public hearing. The purpose of this 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:
The anticipation is 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 $750,000 per year. The debt will be serviced with B&C road revenue, which is estimated at $1.1 million per year.

Series 2017 sales tax Revenue Bonds
Proceedings of the Midvale City Council Meeting
March 7, 2017

Amount of bonds to be issued:
- Current estimate is $8,185,000
  - Revenue needed is $9 million
  - Parameters resolution allows up to $11.5 million
  - Interest rate anticipated is 3.15% - 3.25%
  - Parameters resolution allows up to 6%
  - Term is 15 years
  - Parameters resolution allows up to 21 years

Purpose of Bonds

To Improve Midvale City Roadways
- Reconstruction of 14 roads
  - Addition of curb, gutter, sidewalk, and storm drain features
  - Rehabilitation of over 100 sections of road with low Pavement Condition Index (PCI)
  - All roads in the City will be brought to PCI of at least 80
    - Reconstruction
    - Overlay
    - Slurry Seal
    - Seal Coat
    - Crack Seal

Rehab of Roads <80PCI
- Analysis prepared by Ensign Engineering (August 2016)
- Pavement Condition Index (PCI) assigned
- Maintenance strategy established
- Total cost estimated at $6 million

Project Timing:
- Both projects will be completed over three years
  - Summer 2017
  - Summer 2018
  - Summer 2019
- Waterline projects identified in construction areas will be coordinated to avoid road cuts following improvements

Security for Bonds:

Sales Tax Revenue
- Annual debt service for 2017 bond averages $805,000
- RDA Series 2010 Tax Increment/Sales Tax Revenue bonds also secured by sales tax revenue
  - Annual debt service averages $2 million per year
  - Covered entirely by RDA tax increment revenue
- Sales tax revenue estimate for FY 2017 is $7 million
Expected to increase at 4% per year
Total debt service secured by sales tax - $2,805,000
Sales tax revenue - $7 million plus 4% per year
Debt Service Coverage Ratio = 2.5 to 4.7
Required coverage is 2.0

Revenue Source for Repayment
- B&C road funds received from the State
  - Estimated at $1.1 million in FY 2017
  - Debt service of $805,000 leaves $300,000 available for ongoing pavement management

B&C Road Fund Revenue
- FY 2015 - $ 837,100
- FY 2016 - $ 938,500
- Estimated FY 2017 - $ 1,100,000
  - Increase of $ 262,900 (31%) over FY 2015
    - $ 148,700 (18%) from increase in gas tax
    - $ 114,200 (13%) from increase in population and road miles

Calendar:
- 30-day contest period ends March 13, 2017
- Meetings with Bond Rating Agencies (Monday, March 13)
- Bond sale scheduled for March 28-30
- Bond closing scheduled for April 18

Mayor Pro-Tem Brown opened the public hearing to public comment. There was no one present who desired to speak to this issue.

MOTION: Councilmember Wayne Sharp MOVED to close the public hearing. The motion was SECONDED by Councilmember Paul Glover. Mayor Pro-tem Stephen Brown called for discussion on the motion. There being none he called for a vote. The motion passed unanimously.

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

B. CONSIDER AMENDMENTS TO THE FY2017 BUDGET FOR THE GENERAL FUND AND OTHER FUNDS AS NECESSARY
Laurie Harvey Staff proposes amendments to the FY 2017 Budget for the following funds: General Fund, Capital Improvement Projects Fund, Water Utility Fund, Sewer Utility Fund, and Storm Water Utility Fund. These amendments cover new grants and revenues, the carry-forward of unspent FY 2016 grants, operational adjustments, and revised revenue estimates.

FISCAL IMPACT:
General Fund - increase to Fund Balance of $81,500
Capital Projects Fund – no change to Fund Balance
Water Utility Fund – no change to Fund Balance
Sewer Utility Fund – no change to Fund Balance
Storm Water Utility Fund – no change to Fund Balance

Midvale City FY 2017 Budget
Proposed Budget Amendments

General Fund

Carryovers from FY 2016
• SL Co grant – B&G Club - $32,800
• TRCC grant (splash pad) - $408,500
  ◦ $41,500 received in FY 2016
  ◦ $450,000 will be passed through to CIP
• Arts Council Contrib – OSP - $30,000
• B&C Funds from FY 2016 - $93,000

Changes in Estimates
• Motor vehicle tax – increase $105,000
  ◦ From $125,000 to $230,000
• Sales tax – increase $216,000
  ◦ From $6.7 million to $6,916,000
• Fines/forfeitures – decrease $(425,000)
  ◦ From $1,325,000 to $900,000
  ◦ Total changes in estimates = $(104,000)
  ◦ Offset by $104,000 tfr in from Fleet (Vans)

New Revenues
• SL County grant – B&G Club - $31,600
• Insurance proceeds - $9,000
  ◦ Add to Improvements – Bldgs. & Grounds

Interdepartmental Transfers
• Recorder – codification - $5,000
• Non dept. – office supplies - $(5,000)
• Parks - electricity - $3,600
• Bldgs & Grounds - electricity - $(3,600)
• P/T to CIP – CH demo costs – $15,000
• Court – A/V in courtroom - $(5,000)
• Bldgs/grounds – personal svcs - $(10,000)

Interdepartmental Transfers
• Personal services
  ◦ Intergovernmental - $(14,000)
  ◦ Court - $(13,000)
Information technology - $5,000
Streets - $6,000
Parks - $9,000
Planning & zoning - $7,000

Summary of Proposed Amendments
- Carryover revenue $ 564,300
- New revenue $ 40,600
- Transfer from Fleet Fund $ 104,000
- Changes in estimates $ (104,000)
  - Total $ 604,900
  - Departmental expenditures $ 58,400
- Pass through to CIP $ 465,000
- Increase in Fund Balance $ 81,500
  - Total $ 604,900

Water Fund
Carryforward Capital Projects
- From Fund balance - $625,000

Sewer Fund
- Increase revenue estimate - $17,000
- Personal Services costs - $17,000

Storm Water Utility Fund
- Carryover from FB (Bond proceeds) for capital projects - $875,000
- Increase in revenue estimates - $35,000
- Repair storm drain outfall near FL Smidt One-third of total cost - $35,000

Mayor Pro-Tem Brown opened the public hearing to comment. There was no one present that desired to speak to this issue.

MOTION: Councilmember Wayne Sharp MOVED to close the public hearing. The motion was SECONDED by Councilmember Paul Hunt. Mayor Pro-Tem Stephen Brown called for discussion on the motion. There being none he called for a vote. The motion passed unanimously.

ACTION: APPROVE RESOLUTION NO. 2017-R-10 APPROVING THE AMENDMENTS TO THE FISCAL YEAR 2017 BUDGET FOR THE GENERAL FUND AND OTHER FUNDS AS NECESSARY

MOTION: Councilmember Paul Hunt MOVED that we approve Resolution No. 2017-R-10, amending the budgets of the following funds: General Fund, Capital Improvement Projects Fund, Water Utility Fund, Sewer Utility Fund, and Storm Water Utility Fund for the fiscal year ending June 30, 2017. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Pro-tem Stephen
Brown called for discussion on the motion. There being none he called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

MOTION: Council member Quinn Sperry MOVED to open a public hearing. The motion was SECONDED by Council member Paul Glover. Mayor Pro-tem Stephen Brown called for discussion on the motion. There being none he called for a vote. The motion passed unanimously.

C. CONSIDER A TEXT AMENDMENT REQUEST TO AMEND THE ACCESSORY STRUCTURE (UNOCCUPIED) STANDARDS FOR CORNER LOTS WITHIN SINGLE FAMILY RESIDENTIAL ZONES

Matt Hilderman said 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:

Accessory Structure
- Located no less than 6 ft. from main building
- Located in either rear or side yard
- Minimum of 2 ft. from rear and side lot lines, including eaves
- Height no exceed 20 ft. to midpoint for sloped roof, 16 ft. to cornice for flat roof
- May range from 1 to 1 1/2 stories
- Maximum building area is larger of 900 sq. ft. or 13% of lot area
- May not have separate electrical, gas, sewer, or water services

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.

Planning Commission Recommendation
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”

City Council Discussion
On February 21, 2017 the City Council discussed and addressed the ordinance language for this proposed text amendment. No further comments, suggestions, or requests were received.

Mayor Pro-Tem Brown opened the public hearing to comment. There was no one who desired to speak to this issue

MOTION: Councilmember Wayne Sharp MOVED to close the public hearing. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Pro-tem Stephen Brown called for discussion on the motion. There being none he called for a vote. The motion passed unanimously.

ACTION: APPROVE ORDINANCE NO. 2017-03 APPROVING A TEXT AMENDMENT REQUEST TO AMEND THE ACCESSORY STRUCTURE (UNOCCUPIED) STANDARDS FOR CORNER LOTS WITHIN SINGLE-FAMILY RESIDENTIAL ZONES

MOTION: Councilmember Quinn Sperry MOVED that “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 that we adopt Ordinance No. 2017-03 to add language in the SF-1 and SF-2 zones for exceptions to accessory structures on corner lots, as included in Attachment A.” The motion was SECONDED by Councilmember Wayne Sharp. Mayor Pro-Tem Stephen Brown called for discussion on the motion. There being none he 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 |
MOTION: Councilmember Quinn Sperry MOVED to open a public hearing. The motion was SECONDED by Councilmember Paul Glover. Mayor Pro-tem Stephen Brown called for discussion on the motion. There being none he called for a vote. The motion passed unanimously.

D. CONSIDER A SUBDIVISION PLAT FOR RIVERWALK AT BINGHAM JUNCTION LOT 8 AMENDED LOCATED AT 7111 SOUTH BINGHAM JUNCTION BOULEVARD

Matt Hildeman said 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.

PLANNING COMMISSION RECOMMENDATION
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.

CITY COUNCIL DISCUSSION
On February 21, 2017 the City Council discussed and addressed the ordinance language for this proposed subdivision plat amendment. No further comments, suggestions, or requests were received.

Mayor Pro-Tem Brown opened the public hearing to comment.

Marty Biljanik, Wadsworth Development Group, thanked the Council and City staff for their dedication and service.

There was no one else present who desired to speak on this issue.

MOTION: Councilmember Wayne Sharp MOVED to close the public hearing. The motion was SECONDED by Councilmember Paul Glover. Mayor Pro-tem Stephen Brown called for discussion on the motion. There being none he called for a vote. The motion passed unanimously.

ACTION: APPROVE A SUBDIVISION PLAT FOR RIVERWALK AT BINGHAM JUNCTION LOT 8 AMENDED LOCATED AT 7111 SOUTH BINGHAM JUNCTION BOULEVARD

MOTION: Councilmember Quinn Sperry MOVED that we approve the subdivision plat amendment for Riverwalk at Bingham Junction Lot 8 Amended with the following condition:

1. The applicant shall prepare a final subdivision plat and that all required signatures are obtained before final recording.

The motion was SECONDED by Councilmember Wayne Sharp. Mayor Pro-tem Stephen Brown called for discussion on the motion. There being none he 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
Proceedings of the Midvale City Council Meeting
March 7, 2017

Councilmember Wayne Sharp    Aye
Council member Quinn Sperry    Aye

The motion passed unanimously.

MOTION: Councilmember Wayne Sharp MOVED to open a public hearing. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Pro-tem Stephen Brown called for discussion on the motion. There being none he called for a vote. The motion passed unanimously.

E. CONSIDER 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 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 RCRRO 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.

Currently, the City Engineer is reviewing the traffic study required by the Planning Commission, and the City Attorney is reviewing the existing shared easements on the property.

Mayor Pro-Tem Brown opened the public hearing to comment. There was no one who desired to speak to this issue.

**MOTION:** Councilmember Wayne Sharp MOVED to close the public hearing. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Pro-tem Stephen Brown called for discussion on the motion. There being none he called for a vote. The motion passed unanimously.
MOTION: Councilmember Quinn Sperry MOVED to table this item until a development agreement can be brought back and everything considered at once. The motion was SECONDED by Councilmember Paul Hunt. Mayor Pro-tem Stephen Brown called for discussion on the motion. There being none he called for a vote. The motion passed unanimously.

VIII. CONSENT AGENDA
A. APPROVE MINUTES OF FEBRUARY 21, 2017
B. SET DATE AND TIME (MARCH 21, 2017 AT 7:00 P.M.) FOR A PUBLIC HEARING TO CONSIDER AMENDING THE TRANSIENT ORIENTED DEVELOPMENT ZONE AND THE CREATION OF THE TOD OVERLAY ZONE
C. SET DATE AND TIME (MARCH 21, 2017 AT 7:00 P.M.) FOR A PUBLIC HEARING & DISCUSSION ON A TEXT AMENDMENT TO AMEND THE LANGUAGE FOR REAR SETBACKS IN THE STATE STREET COMMERCIAL (SSC) ZONE

MOTION: Councilmember Paul Hunt MOVED to approve the consent agenda. The motion was SECONDED by Councilmember Wayne Sharp. Mayor Pro-tem Stephen Brown called for discussion on the motion. There being none he 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.

IX. DISCUSSION ITEMS
A. DISCUSS AMENDMENTS TO THE TRANSIENT ORIENTED DEVELOPMENT ZONE AND THE CREATION OF THE TOD OVERLAY ZONE

Phillip Hill said the amendment before the Council would amend the current TOD zone, reducing the maximum allowable height from 7 stories to 3 stories and reducing the maximum allowable density from approximately 100 residential dwelling units per acre to 25 residential dwelling units per acre. Also, as part of this amendment, a new TOD Overlay zone that could be applied to properties within the TOD zone through a rezone process would be created, allowing up to 85 residential dwelling units per acre and a maximum allowable height of 7 stories. Through discussions with the Planning Commission on how these two zones would be applied, staff has drafted a map for each TOD area reflecting boundaries for the TOD and TOD Overlay zones at the request of the Commission. These boundaries are not final and may be amended by the City Council as a part of this process.
Any properties zoned TOD with the final action of the City Council will be eligible for a rezone to the TOD Overlay zone through a rezone process involving public hearings with both the Planning Commission and City Council. As a part of the rezone process, a development agreement will be required between the city and the developer to memorialize site plan approvals and any conditional use permit approvals. The rezone and development agreement would be approved at the same City Council meeting and any requested changes to the project would be required to go back before the approving bodies. Any parcel zoned TOD Overlay through this process will be afforded all of the applicable development rights of that zone without need for a rezone process. It should be noted that whether a rezone is necessary or not, the developer will be required to enter into a development agreement with the City.

The Midvale City General Plan 2016 sets goals for public transit and associated opportunities in the City. The goal to “Develop standards in the vicinity of the Center Street and 7200 South TRAX Stations for mixed-use and transit oriented developments that take advantage of the proximity of transit while protecting the character of adjacent residential neighborhoods.” has helped to inform many of the recommended changes. Through the adoption of an amended TOD zone and the implementation of the TOD Overlay zone, standards will continue that take advantage of the proximity of the transit system while looking at identified parcels on a case by case basis to ensure the protection of the character of the adjacent stable residential neighborhoods as those parcels redevelop.

As part of these proposed ordinances, the following amendments are proposed to clean up and clarify existing language:

- **TOD**
  1. Single Family clean up (setbacks [porches, garages front setback], parking, accessory structures)
  2. Fencing height and materials
  3. Adding access management to multi-family
  4. Removal of street accessed garage requirement; not practical
  5. Clarifying that recreation amenities are not a requirement of commercial development

- **TOD Overlay**
  1. Residential open space 30% (TOD up to 40%)
  2. No changes to setbacks or buffering standards

Following a Public Hearing on February 08, 2017, the Planning Commission directed staff to provide the following:

1. Maximum heights and densities in TOD zones of surrounding jurisdictions; and
2. Map options including the elimination of certain parcels in the 7800 South TOD Overlay area and the inclusion of certain parcels in the 7200 South TOD Overlay area.

Included below is a synopsis of the maximum heights and densities allowed in surrounding jurisdictions.
The first appeal is from the owners of the parcel located at 7300 South and 300 West. The appeal requests that this parcel be included in the 7200 South TOD Overlay. The second appeal is from ICO Multifamily Holdings, owners of the Applewood Mobile Home Park. Their appeal requests that the City consider increasing the TOD density from 25 to 35 dwelling units per acre, allowing for 4 stories rather than 3 as is allowed in the RM-25 zone, and counting roads, railroads and the like in the residential buffer calculations.

The Council discussed the proposed recommendations from the Planning Commission amending the TOD and TOD Overlay Zone at length.

**B. DISCUSSION ON A TEXT AMENDMENT TO AMEND THE LANGUAGE FOR REAR SETBACKS IN THE STATE STREET COMMERCIAL (SCC) ZONE**

Lesley Burns stated that staff is proposing a text amendment to change the rear setback requirement and clarify the setback language in the State Street Commercial Zone, specifically where the rear property line is adjacent to existing commercial development. This proposed amendment addresses the following in the existing ordinance:

- Section 17-7-7.4 (A) does not include any language regarding side setbacks. It is implied that there are no side setback standards unless required by other standards, i.e. a landscape buffer when adjacent to residential development or by the Building Code. Staff is proposing to add language that specifically states this, so there is no question what is expected.
- The required rear setback for buildings is 20 feet regardless of the adjacent use.

Staff is proposing to eliminate the rear setback requirement, except where it is required by other code standards, i.e. a landscape buffer when adjacent to residential development or by the Building Code. This will provide for additional developable area on commercial properties as long as it is not adjacent to residential development. When adjacent to residential development, new commercial development is required to provide a 30 foot residential landscape buffer (Section 17-7-7.7 (I)). This requirement would remain.
The Midvale City General Plan 2016 includes a future land use goal for the North, Middle and South State Street Opportunity Areas to support the redevelopment of underutilized parcels, (p. 51-53 Midvale City General Plan 2016). This proposed amendment is a small step in moving towards this goal, while not impacting adjacent existing residential uses. It would also make the setback language in the State Street Commercial Zone consistent with the Clean Industrial Zone, which was changed in 2010.

Planning Commission Recommendation
The proposed text amendment was presented to the Planning Commission at a public hearing held on February 22, 2017. Following the public hearing, which included support for the amendment and some questions, the Planning Commission forwarded the following recommendation for the City Council’s consideration:

“Based on the future land use goal for the North, Middle and South State Street Opportunity Areas to support the redevelopment of underutilized parcels, without impacting adjacent residential uses, I move that we forward a recommendation to the City Council to approve the text amendment to change the rear setback requirement and clarify the setback language in the State Street Commercial Zone as proposed in Attachment A.”

X. ADJOURN

MOTION: Councilmember Wayne Sharp MOVED to adjourn the meeting. Councilmember Paul Hunt SECONDED the motion. Mayor Pro-tem Stephen Brown called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

The meeting adjourned at 9:21 p.m.

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

Approved this 21st day of March, 2017.
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<thead>
<tr>
<th>NAME (PLEASE PRINT)</th>
<th>ADDRESS</th>
<th>CITY</th>
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<tbody>
<tr>
<td>Johnie Butler</td>
<td>700 W 7500 S</td>
<td>Midvale</td>
</tr>
<tr>
<td>Jilla Beal</td>
<td>7757 S 50 Road</td>
<td>Midvale</td>
</tr>
<tr>
<td>Spencer Means</td>
<td>389 Princeton</td>
<td>Midvale</td>
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<tr>
<td>Stacie Rosentin</td>
<td>7779 S Roosevelt</td>
<td>Midvale</td>
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<tr>
<td>Marty Biljanic</td>
<td>166 E 1400 S Suite 210</td>
<td>Draper, Utah</td>
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<tr>
<td>Lawrence Walker</td>
<td>7865 S 0lympus St</td>
<td>Midvale</td>
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