



**Midvale City**  
**CITY COUNCIL MEETING**  
*Minutes*

**Tuesday, January 20, 2015**  
**Council Chambers**  
**655 West Center Street**  
**Midvale, Utah 84047**

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**MAYOR:** JoAnn 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, Assistant City Manager/Community and Economic Development Director; Laurie Harvey, Assistant City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Alan Hoyne, Interim Public Works Director; Stephen Black, Interim Public Works Director; Chad Woolley, City Attorney; Chief Tony Mason, UPD Midvale Precinct; Brad Larson, UFA; Danny Walz, RDA Director; and Jarin Blackham, IT Manager.

Mayor Seghini called the meeting to order at 6:30 p.m.

**I. INFORMATIONAL ITEMS**  
**A. DEPARTMENT REPORTS**

Chief Mason had nothing to report.

Brad Larson, Battalion Chief, reported that Stations 125 and 126 were top for fire and medical calls. He also reminded the Council about the upcoming Unified Authority Fire Banquet.

Laurie Harvey introduced the new finance department employees Kristi Peterson, Utility Billing Clerk; and Brandon Smith, Accounts Payable Clerk.

Phillip Hill reported he is adding lighting to State Street so it can be lit for Christmas next year. He reported the UTA agreement, which will provide sidewalk improvements and pedestrian access for TRAX, is being signed. He met with UDOT regarding 7200 South 900 East. They have a project scheduled for next spring to add dual turn lanes at that intersection.

Danny Walz had nothing to report.

Alan Hoyne reported on the progress of the Public Works remodel. He is advertising for water and storm drain projects starting this weekend. Stephen Black said one of the projects they are

looking at for sidewalks is Roosevelt Street. Councilmember Steve Brown expressed appreciation for the work they did on this street over the weekend to make sure everyone had water.

Rori Andreason said she has information for the budget retreat regarding the newsletter. She will also be putting out the publication for a public works director with an open ended date. They will be very selective on who takes over this position.

Chad Woolley had nothing to report.

## **II. CITY MANAGERS REPORT**

Kane Loader discussed the selection process of the design for the new middle school. He discussed improvements to the street to provide better access to the school. They will also look at improvements to Oak Street. The existing middle school will be demolished this summer. Completion of the new school is anticipated for the beginning of the school year 2017. He discussed Sandy City's gasification, pyrolysis, and air quality permit projects and public hearings. The new CAD System consultant has been chosen for VECC. Sheriff Jim Winder was Vice Chair and will now move up to Chair of VECC. Gary Whatcott is the new Vice Chair of VECC. He reported that he has received Milestone 2 from MacQuarie regarding Utopia. He discussed the process for hiring a Public Works Director.

Mayor JoAnn B. Seghini opened the regular meeting at 7:06 p.m.

## **III. GENERAL BUSINESS**

### **A. Welcome and Pledge of Allegiance**

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

## **IV. PUBLIC COMMENTS**

There was no one present who desired to speak.

## **V. COUNCIL REPORTS**

**A. Councilmember Wayne Sharp** – said he was asked if the city would entertain the idea of having food trucks in the city.

Lesley Burns said if they are moving around and not staying in one location there is a business license for that. She said if they are going to stay in one spot for an extended period of time, they fall under vending cart provision and they are not allowed. She indicated that the definition of an extended period of time or mobile has never been defined.

Councilmember Wayne Sharp said the individual who spoke with him said he pulls his food truck up to a high rise building for the day and then go to another location the next day. This gentleman was told he could not do that in Midvale.

The Council asked staff to define what extended period of time or mobile means and bring this back for discussion at a future date.

Matt Hilderman discussed the questions he has received regarding this type of mobile food service. He discussed the problem with the popcorn truck at Sportsman's Warehouse that is there every Saturday when City Hall is closed. Staff will look into this issue further.

Councilmember Wayne Sharp said the intersection at Wasatch and Main Street is very dangerous. The crosswalk has helped with kids crossing but the kids crossing cannot be seen around the cars turning left.

Kane Loader said he has almost hit a pedestrian because he did not see him either. The solution is to put a regular stop light there and do it right.

Councilmember Wayne Sharp said years ago, traffic engineers said a light would not work there.

The Council would like to discuss available options for this intersection.

**B. Councilmember Stephen Brown** – reported on the results of the recent Community Council election. He said they have a goal to have representation in every district.

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

**D. Councilmember Paul Hunt** – discussed the costs to remodel options for the Performing Arts Center and the bowery.

Phillip Hill said the architects will be working with the Arts Council put together a glossy document showing the future remodel. The costs are very high so he suggested working with Don Gray to obtain grants as well as the Zap and the Performing Arts Committee.

Councilmember Paul Hunt asked about the seminary building and if the City has heard anything on it.

Mayor Seghini said she has heard no final decision yet from the Church Office.

Councilmember Paul Glover said he would like to see the CBC move into the current museum space and move the museum to the park.

Kane Loader said he would like to see downtown revitalized. The Council asked staff to see if the seminary building could house the CBC and the health clinic.

Phillip Hill said the cost of the Performing Arts Center remodel is at \$1.3 million, the Park is \$652,000.

The Council agreed to bring this back for discussion at the budget retreat.

E. **Councilmember Quinn Sperry** – had nothing to report.

**VI. MAYOR REPORT**

**Mayor JoAnn B. Seghini** – had nothing to report.

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

**VII. PUBLIC HEARING(S) – 7:00 PM**

**A. CONSIDER TEXT AMENDMENTS REGARDING NEW DEVELOPMENT STANDARDS FOR SPORTS FACILITY FENCING AND EXTERIOR LIGHTING FOR RETAIL OFFICE/ OFFICE/ FLEX/ MIXED USE PROJECTS IN THE BINGHAM JUNCTION ZONE AND RIVERWALK OVERLAY AND MODIFICATIONS TO THE SIGN STANDARDS FOR COMMERCIAL BUILDINGS IN SUBAREAS 2, 3 AND 5 OF BINGHAM JUNCTION ZONE**

Lesley Burns said currently, the City's Zoning Ordinance does not include provisions that address fencing and lighting for larger commercial outdoor recreation/entertainment type uses. At the request of Arco/Murray National Construction Company, representing Top Golf, Staff has drafted some proposed amendments addressing these items in the Bingham Junction Zone and Riverwalk Overlay, as well as a proposed modification to the sign ordinance for the commercial areas of Bingham Junction that adds a new permitted sign type. The proposed language for each of these amendments is included as attachments in the proposed ordinance.

**Sports/Athletic Facility Fencing – Riverwalk Overlay**

This text amendment adds language to the existing code section regarding athletic facility fencing in the Riverwalk Overlay (Section 17-7-9.12.1.8 C) to include a provision for fencing around golf courses and driving ranges. The intent of the provision is to allow fencing for this type of facility at heights up to what is necessary to contain 99% of the golf balls based on the specific facility situation, provided specific standards are satisfied, and impacts on adjacent properties and areas are mitigated. It will be up to the Planning Commission to review and approve such fences as part of a development project. As provided through the conditional use permit process, the Planning Commission can require any conditions it deems necessary to mitigate potential impacts on the area. This includes, but is not limited to, increased setbacks, additional landscaping, etc. The applicant will be required to submit appropriate studies regarding the proposed fence height, as well as a color study showing the proposed pole color is appropriate for the area, for the Planning Commission's review. Other specific standards required by the proposed text amendment include:

- Black netting that is at least 90% transparent;
- Minimum setbacks to be the same as structures in zone;
- Landscape buffering from the vantage point of motorists and pedestrians.

### **Lighting for Outdoor Athletic Facilities – Bingham Junction Zone**

This text amendment adds a new section to the exterior lighting standards in the Bingham Junction Zone (Section 17-7-9.6 F) creating lighting standards for outdoor athletic facilities. The intent of this provision is to allow outdoor sports lighting, provided the applicant demonstrates the need for such lighting, the light fixtures are located and designed to ensure no light trespass off the site, and impacts on the surrounding area (including hours of light usage) are mitigated. It will be up to the Planning Commission to review and approve such lighting as part of a development project. Other specific standards required by the proposed text amendment include:

- Light fixtures and supports not extending more than four feet above roof;
- Shields and louvers required on light fixtures;
- Light fixtures and supports painted to blend with building/structure;
- Dimmable light fixtures to address unforeseen impacts once constructed.

As part of this amendment, Staff is also recommending that the overall lighting provision be modified to include LED and induction as allowable light sources. Currently, the ordinance, which was written prior to these types of lights being available, does not include this current technology/product type.

### **Above Canopy Signs – Bingham Junction Zone Subareas 2, 3, 5**

This text amendment adds a new sign type to the list of allowable signs for commercial projects in Subareas 2, 3, and 5 of the Bingham Junction Zone. It creates a provision for signs to be mounted on flat canopies without being attached to a wall, typically at building entrances. The provision includes specific size, height, and other required parameters to ensure this type of sign is used appropriately and fits the associated building. This proposed text amendment adds a definition for “above canopy sign” to Section 17-2 of the Zoning Ordinance, and adds specific sign standards for above canopy signs in the Bingham Junction Zone (Section 17-7-9.4 D) allowing this standard to be used for commercial projects in Subareas 2, 3 and 5 of the Bingham Junction Zone. These subareas include parts of both the Riverwalk Overlay and the Junction at Midvale Overlay. The other parameters included in the proposed text amendment include:

- Canopy must be a horizontal element; this sign type is not allowed on a sloped roof;
- Sign must be constructed of individual letters, and may be internally or externally illuminated;
- Maximum sign height is four feet and cannot project above the building roofline;
- Maximum sign width is 80% of the canopy width;
- The sign area is included as part of the allowable wall sign area for the building.

### **Planning Commission Recommendations**

The Planning Commission reviewed these proposed text amendments and held a public hearing on December 17, 2014. At that time, the Planning Commission made the following motions:

Sports/Athletic Facility Fencing

*“In order to accommodate uses not originally contemplated when the Zoning Ordinance was originally adopted, I move that we forward a positive recommendation to the City Council to add language to the athletic facility fencing in the Riverwalk Overlay to include a provision for fencing around golf courses and driving ranges as included in Attachment A.”*

Lighting for Outdoor Athletic Facilities

*“In order to accommodate uses not originally contemplated when the Zoning Ordinance was originally adopted; I move that we forward a positive recommendation to the City Council to add language to the outdoor lighting standards in the Bingham Junction Zone to include a provision for outdoor athletic facilities as included in Attachment B.”*

Above Canopy Signs

*“In order to provide additional variety in commercial building signage that acknowledges present-day architectural elements, I move that we forward a positive recommendation to the City Council to add a provision for “above canopy signs” for commercial projects in Subareas 2, 3 and 5 of the Bingham Junction Zone as included in Attachment C.”*

Mayor Seghini opened the hearing to public comment. There was no one present that desired to speak.

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

**ACTION:** APPROVE ORDINANCE NO. 2015-O-01 AMENDING THE MIDVALE MUNICIPAL CODE REGARDING NEW DEVELOPMENT STANDARDS FOR SPORTS FACILITY FENCING AND EXTERIOR

**MOTION:** Councilmember Wayne Sharp moved that we adopt Ordinance No. 2015-O-01, creating new development standards for sports/athletic facility fencing and lighting for retail/office/flex/mixed use projects in the Bingham Junction Zone and Riverwalk Overlay, and adding a new sign type and standards for commercial buildings in Subareas 2, 3 and 5 of the Bingham Junction Zone.” The motion was seconded by Councilmember Paul Hunt. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

**VIII. CONSENT AGENDA**

- A. APPROVE MINUTES OF JANUARY 6 AND 13, 2015**
- B. SET DATE AND TIME (FEBRUARY 17, 2015 AT 7:00 P.M.) FOR A PUBLIC HEARING ON A SUBDIVISION PLAT FOR THE RIVERWALK AT BINGHAM JUNCTION PHASE 2 AMENDED LOCATED AT 920 WEST RIVER GATE DRIVE**
- C. SET DATE AND TIME (FEBRUARY 17, 2015 AT 7:00 P.M.) FOR A PUBLIC HEARING ON A SUBDIVISION PLAT FOR THE VIEW 8 HOTEL SUBDIVISION LOCATED AT 7161 SOUTH FL SMITH ROAD**
- D. SET DATE AND TIME (FEBRUARY 3, 2015 AT 7:00 P.M.) FOR A PUBLIC HEARING TO CONSIDER UNION GARDENS MPD PRELIMINARY SUBDIVISION PLAT FOR AN EIGHT-UNIT RESIDENTIAL PROJECT LOCATED AT 7351-7371 SOUTH 300 EAST**

**MOTION:** Councilmember Paul Hunt moved to approve consent agenda. The motion was seconded by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none the Mayor called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

**IX. DISCUSSION ITEMS**

- A. DISCUSS SUBDIVISION PLAT FOR THE RIVERWALK AT BINGHAM JUNCTION PHASE 2 AMENDED LOCATED AT 920 WEST RIVER GATE DRIVE**

Matt Hilderman said the applicant, Marty Biljanic representing Wadsworth Development, is requesting approval to further subdivide the property located at 920 West River Gate Drive. The Riverwalk at Bingham Junction, Phase 2 Amended plat consists of four (4) proposed lots on a total of 19.251 acres located North of Jordan River Boulevard (7200 South) between River Gate Drive (1000 W) and Bingham Junction Boulevard (900 W). This subdivision plat consists of one, proposed development known as Top Golf on Lot 1 and three, additional lots proposed to provide commercial services to accommodate the proposed and existing surrounding uses. The Wadsworth Development Group is requesting subdivision approval to create a 4-lot subdivision so these lots can be sold. In addition, this plat also provides the necessary public road dedication of Bingham Junction Boulevard and creates the necessary public utility easements and drainage easements for this particular area. This area is subject to the requirements of the Bingham Junction Zone, the Riverwalk Overlay, and the Riverwalk West Retail Development Agreement.

This plat reflects and is consistent with the lot locations for the approved Small Scale Master Plans for Progressive Insurance and Riverwalk Investments (Presidio Office Building) and provides for the East-West road easement connection, public utility and drainage easements, and dedication of Bingham Junction Boulevard. The applicant will need to prepare an amended declaration of covenants, conditions, and restrictions (CC&R's) to include these lots, with the existing development, to ensure that both the short term and long term maintenance of commonly used area, landscaping, and parking, as well as continued shared access throughout the LSMP area.

The Planning Commission conducted a public hearing on this subdivision plat on January 14, 2015. Based on compliance with the City's subdivision requirements and the lot locations in the approved Small Scale Master Plans for the remainder of the project, the Planning Commission forwarded a positive recommendation to the City Council to approve the preliminary subdivision plat for the Riverwalk at Bingham Junction Phase 2 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 obtain duty to serve letters for water and sewer for the new lots prior to the subdivision plat being recorded.
3. 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.
4. The applicant shall submit an amended declaration of covenants, conditions, and restrictions (CC&R's) to include these lots with the existing developments, to ensure that both the short term and long term maintenance of commonly used areas, landscaping, and parking, as well as the continued shared access throughout the LSMP area is maintained.

The Bingham Junction zone does not have minimum lot area standards, so the proposed lots comply with the Zoning Ordinance. The subdivision plat has been reviewed and approved by the City Engineer and Fire Marshall. The subdivision process requires that all of the utility companies are notified of the proposed plat and that all the required public utility easements are in place. A duty to serve letter will be required for water and sewer service before the plat can be recorded. Midvale City will be providing water and sewer to this development and has anticipated this in its utility planning.

The subdivision plat is intended to work in conjunction with the approved LSMP, which anticipates this area to be a cohesive development with shared amenities, accesses and parking. In order to ensure this happens as more owners are involved in the property, the existing Declaration of Covenants, Conditions and Restrictions (CC&R's) for this development will need to be amended in conjunction with this plat and be in place before recordation occurs. The CC&R's will establish the relationship between the various owners and ensure both short term and long term maintenance of commonly used areas and landscaping, and ensure continued shared accesses through the LSMP area.

**B. DISCUSS SUBDIVISION PLAT FOR THE VIEW 8 HOTEL SUBDIVISIONS LOCATED AT 7161 SOUTH FL SMIDTH ROAD**

Matt Hilderman said the applicant, Mark Murdock representing the Gardner Company, is requesting approval to subdivide the property located at 7161 South FL Smidth Road. The View 8 Hotel Subdivision consists of two (2) proposed lots on a total of 8.941 acres located South of Jordan River Boulevard (7200 South) between FL Smidth Road (1000 W) and Bingham Junction Boulevard (900 W). This subdivision plat consists of one, proposed development known as the View 8 Office Building on Lot 2 and one, additional lot proposed to provide a hotel/commercial service to accommodate the proposed and existing surrounding uses. The Gardner Company is requesting subdivision approval to create a 2-lot subdivision so these lots can be sold. In addition, this plat also provides the necessary East-West private road dedication of Legacy Center Way and creates the necessary public utility easements and drainage easements for this particular area. This area is subject to the requirements of the Bingham Junction Zone, the Junction at Midvale Overlay, and the Junction at Midvale Development Agreement.

This plat reflects and is consistent with the approved Small Scale Master Plan for the View 8 Office Building and provides the public utility and drainage easements and dedication of the East-West road easement connection. The applicant will need to prepare a declaration of covenants, conditions, and restrictions (CC&R's) to include these lots, with the existing development, to ensure that both the short term and long term maintenance of commonly used areas, landscaping, and parking, as well as maintaining the continued shared access throughout the LSMP area.

The Planning Commission conducted a public hearing on this subdivision plat on January 14, 2015. 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 preliminary subdivision plat for the View 8 Hotel Subdivision 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 obtain duty to serve letters for water and sewer for the new lots prior to the subdivision plat being recorded.
3. 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.
4. The applicant shall submit an amended declaration of covenants, conditions, and restrictions (CC&R's) to include these lots with the existing developments, to ensure that both the short term and long term maintenance of commonly used areas, landscaping, and parking, as well as the continued shared access throughout the LSMP area is maintained.

The Bingham Junction zone does not have minimum lot area standards, so the proposed lots comply with the Zoning Ordinance. The subdivision plat has been reviewed and approved by the

City Engineer and Fire Marshall. The subdivision process requires that all of the utility companies are notified of the proposed plat and that all the required public utility easements are in place. A duty to serve letter will be required for water and sewer service before the plat can be recorded. Midvale City will be providing water and sewer to this development and has anticipated this in its utility planning.

The subdivision plat is intended to work in conjunction with the approved LSMP, which anticipates this area to be a cohesive development with shared amenities, accesses and parking. In order to ensure this happens as more owners are involved in the property, the existing Declaration of Covenants, Conditions and Restrictions (CC&R's) for this development will need to be amended in conjunction with this plat and be in place before recordation occurs. The CC&R's will establish the relationship between the various owners and ensure both short term and long term maintenance of commonly used areas and landscaping, and ensure continued shared accesses through the LSMP area.

**C. DISCUSS UNION GARDENS MPD PRELIMINARY SUBDIVISION PLAT FOR AN EIGHT-UNIT RESIDENTIAL PROJECT LOCATED AT 7351-7371 SOUTH 300 EAST**

Lesley Burns said the applicant, Carefree Living Group, LC, is in the process of acquiring two parcels located at 7351 South and 7371 South 300 East. These properties total 1.29 acres in size and currently include two single-family houses with accessory structures. The applicant has created a development plan for the combined property. The proposed development plan includes demolishing the north house and all of the accessory structures in order to construct four single-family detached houses and a mansion house (3 residences within one structure). These units would be accessed from a new private road off of 300 East. The existing house at 7371 South 300 East would be remodeled and become part of the overall development, for a total of eight residential units. The plan also includes common open space/recreation areas and three guest parking spaces. There are four different house plans proposed for the new single-family detached units, all of which are 1½ stories with basements and two-car garages. The proposed mansion house is 2½ stories; two of the units have two-car garages and one unit has a single car garage.

The property is zoned SF-1 (single-family residential, minimum lot size 7,000 square feet). The applicant is utilizing the master planned development (MPD) provision to allow some flexibility in the lot sizes, setbacks and unit type. The overall density complies with the SF-1 Zone; however, these units have been clustered on smaller lots with the remaining area left as common open space, which includes some recreation amenities for the residents of the development.

The Planning Commission conducted a public hearing and reviewed the MPD preliminary site plan for this project on November 12, 2014. On December 10, 2014, the Planning Commission approved the MPD preliminary site plan with the following conditions:

1. The common recreation area details need to be included on the final site plan. These details shall include plans for the planter boxes, appropriate ground cover between the planter boxes, concrete pads under the benches and tables, bench/table/play equipment details, etc.

2. The exterior building colors presented to the Planning Commission, with the exception of the greys shown on one of the structures, shall be used on all building exteriors. The greys shall be changed to an earth tone color. The colors shall be indicated on the building elevations included on the final site plan and color samples provided.
3. The applicant shall provide existing grade measurements on the final grading plan to ensure the mansion structure does not exceed the maximum 28-foot height allowed in the zone district.
4. All fencing shall be clearly indicated on the final site plan and address height and sight distance requirements where applicable. No fencing shall be allowed within the front yard setback paralleling 300 East.
5. A landscape plan documentation package shall be prepared as part of the final site plan. This plan shall include all plant materials, sizes and irrigation. The plan shall also include the following changes:
  - Foundation landscaping shall be added along the west and north elevations of the existing home and along the west elevation of the Dahlia unit.
  - Eliminate all lawn areas that are less than five feet in width and replace with planter areas.
6. A note shall be added to the site plan indicating no above-grade decks beyond a landing and stairs extending a maximum of three feet from the back wall of the structure and required by Building Code shall be constructed in the rear yards of the single family detached houses.
7. The street lights shall include LED fixtures and comply with the City's street light standards. These details shall be included on the final site plan.
8. Detailed construction drawings shall be reviewed and approved by the City Engineer as part of the final site plan. These plans shall include the public road improvements along 300 East, private road improvements; utilities; storm water improvements; street lights; street signs; grading plans, irrigation system, etc.
9. All requirements of the Building Official shall be satisfied.
10. The final site plan shall be prepared in accordance with Section 17-3-3 E of the Zoning Ordinance to be reviewed and approved by the City Engineer, Fire Marshal and City Planner.
11. The applicant shall obtain duty to serve letters for water and sewer prior to final site plan approval.
12. The private road shall be posted as a "No Parking" area except in the designated off-street guest parking stalls.

Based on these conditions of approval from the Planning Commission, the applicant is preparing a final site plan for review and approval by Staff. The MPD site plan does not require any specific action by the City Council.

**Subdivision Plat**

On December 10, 2014, the Planning Commission also forwarded a positive recommendation to the City Council for approval of the preliminary subdivision plat for the Union Gardens MPD project. The subdivision plat, once recorded, will allow the individual ownership of each structure on a small lot as shown on the preliminary subdivision plat. The remainder of the property will be included as common area on the plat, including the private road. These areas will be owned and maintained by a homeowners association. The subdivision plat requires a preliminary and final approval from the City Council. The Planning Commission's recommendation included the following conditions:

1. The applicant shall prepare a final subdivision plat to be reviewed and approved by the City Engineer and City Council.
2. A note shall be added to the subdivision plat indicating no above-grade decks beyond a landing and stairs extending a maximum of three feet from the back wall of the structure and required by Building Code shall be constructed in the rear yards of the single family detached houses.
3. The common recreation amenity area currently designated as "open space" on the plat shall be included in "common area" designation.
4. Prior to the final subdivision plat approval, the applicant shall obtain final site plan approval for the master planned development.
5. The applicant shall provide evidence that a courtesy notice has been sent to Questar Gas, Rocky Mountain Power, Comcast Cable, Utopia and Century Link regarding the utility easements on the subdivision plat prior to final approval.
6. The applicant shall prepare a final declaration of covenants, conditions and restrictions, including the creation of a homeowners association, for the development. This document shall be recorded concurrently with the subdivision plat.

The proposed preliminary subdivision plat corresponds with the development layout in the master planned development approved by the Planning Commission. The plat denotes the small lots as private ownership areas and the remainder of the property as common area (including the private road). Every property owner within the project will have an equal ownership interest in this common area. The City Engineer and Fire Marshal have reviewed and approved this preliminary plat.

**X. ADJOURN**

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

Proceedings of the Midvale City Council Meeting  
January 20, 2015

Mayor Seghini adjourned the regular meeting at approximately 8:23 p.m.

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**Rori L. Andreason, MMC**  
**CITY RECORDER**

Approved this 3rd day of February 2015.