



CITY COUNCIL MEETING
Minutes

Tuesday, March 15, 2016
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

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, Assistant City Manager/Community Development Director; Laurie Harvey, Assistant City Manager/Admin. Services Director; Rori Andreason, H.R. Director/City Recorder; Lisa Garner, City Attorney; Bob Davis, Public Works Director; Chief Tony Mason, UPD Midvale Precinct; Chief Scott McBride, UFA; Lesley Burns, City Planner; Matt Hilderman, Associate Planner; and Mike Welling, IT Technician.

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

I. INFORMATIONAL ITEMS

A. DEPARTMENT REPORTS

Chief Mason reported on some police statistics.

Chief McBride invited the Council to attend the fire school scheduled for May 6th.

II. CITY MANAGER'S REPORT

Kane Loader asked Representative Bruce Cutler to report on the recent Legislative Session from his point of view. He discussed HB 169 regarding the Homeless Shelter moving to a year round facility.

Dave Spatafore, Lobbyist, reported on the recent Legislative Session and the bills that impact the City. He discussed several bills and especially the homeless shelter bill making it a year round shelter.

III. GENERAL BUSINESS

A. Welcome and Pledge of Allegiance

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

The Zoning Ordinance requires a Conditional Use Permit for the subdivision of a flag lot. In order to be approved, the proposal must comply with the following criteria:

1. Lot area: The minimum area of the banner portion of the proposed flag lot is 7,000 square feet and the minimum area of the remaining frontage lot is 7,000 square feet;
2. Lot width and depth: The minimum banner portion width and depth is 75 feet. The minimum lot width and depth of the frontage lot complies with all lot standards for the zone;
3. Setbacks: Setbacks for new development on a flag lot are 15 feet for each of the front, side and rear yards;
4. Height: The maximum proposed height for a structure is 25 feet;
5. Stories: A structure shall not exceed one story;
6. Parking/driveway access: Each flag lot and each frontage lot shall provide two parking spaces on the side or rear yard of the property. The driveway shall have a paved width of 20 feet;
7. Fire department access and water supply: Each dwelling must adhere to the Fire Code; and
8. Utilities: Both the flag lot dwelling and the frontage lot dwelling must be serviced by a public water and sewer system.

The proposed frontage lot (Lot 1) and the overall flag lot (before the division for the twin home) comply with the minimum lot area requirement with the banner portion of the flag lot being approximately 12,285 square feet and the frontage lot being 8,008 square feet. The proposed lots also comply with the minimum lot width and depth requirements. The flag lot includes a 20-foot wide driveway from 700 East along the north property line. This driveway will need to be paved as part of any development on the flag lot. The under construction, attached two-car garage will provide the required off-street parking spaces for the existing house. The remodeling of this house will also create an 18' x 30' driveway, providing additional on-site parking. The setbacks for the existing house from the new property lines being created by the subdivision (north side yard and rear) comply with setback requirements for the SF-1 zone, which includes a minimum eight foot side yard and 25 foot rear yard.

New development on the flag lot is required to comply with the 15-foot front, side and rear setbacks, as well as the height/single-story requirement. These items have been addressed with the proposed twin home development application.

The further division of the flag lot into two lots for a twin home is allowed under Section 17-7-1.14 C of the Zoning Ordinance. This provision provides for a lot size exclusion in the Duplex Overlay for the division of property creating individual ownership of each side of a twin home

9. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.

The applicant has submitted a final subdivision plat, which has been reviewed and approved by the City Engineer. This plat includes all of the notes required by the Planning Commission, including the shared access for Lots 2 and 3. The applicant has prepared a maintenance agreement for the shared driveway. This will be recorded with the subdivision plat. Evidence of water and sewer availability for the new lots has been provided. With these items completed, the proposed subdivision plat complies with the City's subdivision standards; however, the following items need to be addressed by the applicant before the subdivision plat can be recorded:

- The existing deck and stairs on the rear of the existing house on Lot 1 shall be modified to comply with the required 25-foot rear yard setback. This shall be completed prior to the subdivision plat being recorded.
- The applicant shall plant two 2-inch caliper deciduous street trees on Lot 1 prior to the subdivision plat being recorded.

Mayor Seghini 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 a public hearing. 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.

ACTION: APPROVE BRAD HEAPS 3-LOT SUBDIVISION (FLAG LOT AND TWIN HOME) LOCATED AT 6795 SOUTH 700 EAST.

MOTION: Councilmember Paul Hunt **MOVED** to approve the Final Subdivision Plat for the Brad Heaps Subdivision located at 6795 South 700 East with the following conditions:

1. The modification to the existing deck and stairs on the rear of the house on Lot 1 shall be completed to ensure compliance with the required rear yard setback from the new property line being created by the plat prior to the subdivision plat being recorded.
2. The applicant shall plant two 2-inch caliper deciduous street trees on Lot 1 prior to the subdivision plat being recorded. If weather does not permit this to occur, the applicant may post a cash bond guaranteeing the completion of this condition in a timely manner.
3. The applicant shall obtain all required signatures on the subdivision plat Mylar.

Rezone Amendment

The Midvale City General Plan Proposed Land Use Map identifies this property as Medium Density Residential. This property is adjacent to existing single-family residential zones (SF1-AO) districts to the North, West, and South and an existing Clean Industrial zone district to the West. The General Plan Proposed Land Use Map identifies the North, South, and East areas as a proposed Medium-Density Residential use and the West area identified as a proposed High-Density Residential use. This proposed parcel of property along with the surrounding properties has the potential to be a Transit-Oriented Development. The proposed rezone from SF1-AO to SF1-DO will allow this property to continue correlating with the surrounding zone districts but provide an additional use for the property to assist in the initial beginning of development.

Under Section 17-3-1 of the Zoning Ordinance, the Planning Commission may recommend, and the City Council may grant, a rezoning application if it determines the rezoning is consistent with the goals and policies of the Midvale City General Plan, and the following:

1. The proposed rezoning is necessary either to comply with the Midvale City General Plan Proposed Land Use Map, or to provide land for a community need that was not anticipated at the time of the adoption of the Midvale City General Plan;
2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by natural characteristics of the land, including but not limited to steep slopes, floodplain, unstable soils, and inadequate drainage; or
3. Land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.

Staff believes the proposed rezone will provide additional residential uses in this area but not to the level of intensity for residential development that is identified in the General Plan. Staff also believes the following General Plan statements further correlate with the applicant's proposal:

"If the threatened neighborhood is to transition into other uses, it should be allowed to do so gracefully and with as much protection as possible, for as long as possible,"
(Urban Design Element 2-10);

"A much larger site between State Street and the LRT track at approximately 8000 South will not be a TRAX station initially; however, it is owned by UTA and straddles the border between Midvale City and Sandy City. The site is recognized by both municipalities as a TOD opportunity in partnership with UTA. A station is not currently proposed on this site; however, an integrated TRAX station and mixed-use TOD development is envisioned on the site. Approaching redevelopment on these sites with an orientation toward TOD development is an opportunity...and to support ridership by increasing density at the station locations either through housing or employment."
(Land Use Element 4-13, 4-14)

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

Mike Brodsky with Hamlet Homes said what he was suggesting was consistent with the City's General Plan. The surrounding properties contain significant twin home developments. He showed homes he has recently built as well.

Allen Litster said the Commission had no problem with Mr. Brodsky, is he is a quality builder. He said they wanted the neighborhood to remain single-family and not introduce the twin home. They didn't want a pocket zone. The vote from the Planning Commission was unanimous.

Councilmember Wayne Sharp asked what the definition is for surrounding area.

Matt Hilderman stated that there is not a definition for surrounding area. He said the Planning Commission also discussed this. Mr. Hilderman said he took a 300 foot radius around the property. He discussed the surrounding area with the Council.

MOTION: Councilmember Wayne Sharp **MOVED** to close a 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. 2016-O-03 REZONE REQUEST FROM SINGLE-FAMILY RESIDENTIAL WITH AN AGRICULTURAL OVERLAY (SF1-AO) TO SINGLE-FAMILY RESIDENTIAL WITH A DUPLEX OVERLAY (SF1-DO) LOCATED AT 8111 SOUTH 100 EAST

MOTION: Councilmember Paul Hunt **MOVED** that for the following reasons, I move that we deny the request to rezone the property identified at 8111 South 100 East:

1. We find no compelling need to change the zoning as required by Code; Section 17-3-1.
2. We feel that this creates "a pocket" zone in the middle of an otherwise Single-Family with Agricultural Overlay Zone.
3. A single-family dwelling is feasible on this property, as presently zoned.

The motion was **SECONDED** by Councilmember Paul Glover. 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	Nay

The motion passed 4-1 in favor.

CONSTRUCTION FOR THE CONSTRUCTION OF THE MIDVALE CITY SPLASH PAD

Phillip Hill stated that on August 11, 2015 the Council approved Resolution 2015-R-40 authorizing the Mayor to enter into a contract with Hogan Construction for a Construction Management General Contractor (CMGC) relationship to finish out the construction drawings and ensure that we kept the project within budget. Since August we have worked with Hogan as well as Logan Simpson Design to complete the construction drawings and bid for subcontractors to work under Hogan's direction. The final construction cost has been compiled by Hogan for a total Guaranteed Maximum Price of \$434,863. This is a not to exceed amount for Hogan and their subcontractors, and any savings will revert to the City. Because of the nature of the CMGC process and the turnkey approach of the actual splash pad sub-contractor, it is expected the very little to none of the \$22,000 construction contingency will be necessary.

FISCAL IMPACT:

\$400,000 of the funds for this project have been previously secured through the Salt Lake County TRCC process, and up to \$34,863 will come out of the parks and open space fund which has previously been used for such projects as the Jordan River Pedestrian bridges and the pedestrian crossing under the new light rail bridge spanning the Jordan River.

MOTION: Councilmember Quinn Sperry MOVED to adopt Resolution No. 2016-R-08, authorizing the mayor to enter into a contract with Hogan and Associates Construction for the Main Park Splash Pad Project. The motion was SECONDED by Councilmember Paul Glover. 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.

C. APPROVE RESOLUTION NO. 2016-R-09 AUTHORIZING THE MAYOR TO ENTER INTO A LEASE AGREEMENT BETWEEN MIDVALE CITY AND COMMUNITIES BUILDING COMMUNITIES

Bob Davis stated the Canyons School District is in the process to demolishing and rebuilding the Midvale Middle School located at approximately 7900 South 400 West. The Church of Jesus Christ of Latter Day Saints has owned and operated a Seminary Building on an adjacent parcel in conjunction with the Middle School. The Church has decided to not use this Seminary Building in the future and has recently deeded ownership of it to Midvale City. The City has determined that a good use for the building would be to host programs for the Communities Building Communities program currently operating within Midvale City. These programs would include an education center and a community medical and dental clinic. A Lease Agreement has been prepared that would allow the Communities Building Communities (CBC) to enter into a long term lease of the former Midvale Middle School Seminary Building, located at 328 West Wasatch Street, with Midvale City. The proposed Lease Agreement has been reviewed and approved by the City Attorney and is included for the Council's consideration.

Proceedings of the Midvale City Council Meeting
March 15, 2016

- Access to lower-cost investment options
- Alignment of RHS plan and 401/457 plan fee structures
- Governance focused on the public sector

This item will be brought back for final approval at the next regular meeting.

XI. 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 8:36 p.m.


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



Approved this 5th day of April, 2016.