



**MIDVALE**

In the Middle of Everything

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**Midvale City**  
**PLANNING AND ZONING COMMISSION**  
*Minutes*

**12th Day of July, 2017**  
**Council Chambers**  
**7505 South Holden Street**  
**Midvale, Utah 84047**

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***COMMISSION CHAIR:*** Kass Wallin

***PLANNING AND ZONING  
COMMISSION VICE CHAIR:*** Shane Liedtke

***BOARD MEMBERS***  
Colleen Costello  
Richard Judkins  
Evan Hanson

***STAFF:***  
Lesley Burns, City Planner  
Matt Hilderman, Associate Planner  
Philip Hill, CED Director  
Jessica Stephens, CD Administrative Assistant

**GENERAL SESSION**

Chairman Wallin called the Planning & Zoning Commission meeting to order at 7:00 p.m. The meeting began with the recitation of the Pledge of Allegiance. He informed the public there were agendas on the front table along with a sign-in sheet for them to sign. He explained how the meeting would proceed. First, the Planning Department would brief the Commission; then the applicant would speak to the Commission; after which, the floor would be open to the public for their brief statements and comments.

## **ROLL CALL**

Ms. Costello	Present
Mr. Judkins	Present
Mr. Wallin	Present
Mr. Liedtke	Present
Mr. Hanson	Excused

## **PUBLIC HEARINGS**

### **1. TXT-17-03; TEXT AMENDMENT TO EXTEND ALLOWED DURATION OF DEVELOPMENT AGREEMENT IN REGIONAL COMMERCIAL RESIDENTIAL OVERLAY; CITY STAFF (APPLICANT)**

Ms. Burns presented that in working through the development review process for a project utilizing the Regional Commercial Residential Overlay (RCRO), an issue has arisen regarding the amount of time a property owner may be vested to develop a project under the terms of the required development agreement that accompanies the rezone and site plan approval. Currently, the language in the ordinance allows up to a 10-year period. To address this issue, a request has been made to extend the time period up to 15 years.

#### **17-7-12.1.8 Development agreement.**

A development agreement, in a form satisfactory to the city attorney and city council, shall be required for new development to ensure the property owner complies with the provisions of the overlay, conditional use permit and site plan approvals, and allowing the property owner the right to develop in accordance with the approved plan for a period up to, but not exceeding, ~~ten~~ fifteen years.

The duration of development agreements is a policy decision for the City. There is not a specific number that everyone must use. It is typically part of the negotiation of the agreement, and could be different from agreement to agreement. A maximum of 10 years was written into the RCRO ordinance to set some parameters for these types of projects. With the complexity of these projects, the amount of time needed to obtain approvals from all entities, including financing, and owners/lenders potentially needing to wait out changes in the market, having 15 years instead of 10 provides the extra cushion that may be needed for property owners to obtain financing. With the City's 20-year vision in the General Plan identifying the need and goals to promote RCRO development where the City finds it is an appropriate project in an appropriate location, there is not much risk to the City with this proposed amendment. Each project in the

RCRO will be negotiated separately and could have different terms within the parameters set in the ordinance based on the legislative decision being made.

**Staff Recommendation**

Staff recommends that the Planning Commission forwards a positive recommendation to the City Council to amend the allowable duration for a development agreement in the Regional Commercial Residential Overlay, Section 17-7-12.1.8 of the Midvale Municipal Code, from ten years to fifteen years.

\* \* \*

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

There were no comments from the public.

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

**MOTION:**

Ms. Costello moved that, *“I move we forward a recommendation to the City Council to approve the text amendment to amend the allowable duration for a development agreement in the Regional Commercial Residential Overlay, Section 17-7-12.1.8 of the Midvale Municipal Code, from ten years to fifteen years.”*

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

Ms. Costello Yes  
Mr. Judkins Yes  
Mr. Liedtke Yes

Motion carried unanimously

**2. SPR/CUP-21-25-480-001; MIDVALE STATION TOWNHOMES; 95-129 WEST CENTER STREET; CONDITIONAL USE PERMIT AND PRELIMINARY SITE PLAN FOR 33 UNIT RESIDENTIAL TOWNHOUSE DEVELOPMENT; TRANSIT ORIENTED DEVELOPMENT ZONE; HOOPER KNOWLTON/PARLEYS PARTNERS (APPLICANT)**

Ms. Burns presented that the applicant, Parleys Partners, represented by Hooper Knowlton, is requesting approval of a Conditional Use Permit and Preliminary Site Plan to develop 1.36 acres of vacant property located on the southeast corner of Center and Roosevelt Streets including a

portion of UTA's property fronting Center Street. The UTA property is currently landscaped as part of the Center Street TRAX Station improvements. This proposal includes 33 townhouse units in 5 buildings. Thirty-two units are 3 stories in height; 1 unit is 2 stories. All the units have 2-car garages. Vehicular access for 3 of the buildings is from a 26-foot wide driveway on Roosevelt Street. The other 2 buildings are accessed from a driveway on the UTA access drive. UTA is granting a perpetual access easement to the property owner for use of its access drive for the 2 east buildings.

This property is part of the Transit Oriented Development (TOD) zone district that allows multi-family residential projects as a conditional use. In addition to complying with the land use regulations of the zone, the following general criteria for a conditional use must be found:

**General Review Criteria:**

1. The application complies with all applicable provisions of the zoning ordinance, state and federal law;
2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
3. The use is not detrimental to the public health, safety and welfare;
4. The use is consistent with the Midvale City General Plan, as amended;
5. Traffic conditions are not adversely effected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
6. Sufficient utility capacity;
7. Sufficient emergency vehicle access;
8. Location and design of off-street parking as well as compliance with off-street parking standards provided for in §17-7-8.8 (D);
9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
10. Compatibility of the proposed mass, bulk, design, orientation, and location of the structures on the site; including compatibility with buildings on adjoining lots and to the street; and
11. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses.

**Use/Density/Layout/Height**

The TOD zone allows multi-family residential development through a conditional use and site plan review process. The density allowed in this zone is 25 units per acre. This proposal is 24 units per acre.

The required setback from a public road is 15 feet measured from the back of curb and is intended to accommodate a 10-foot wide sidewalk and 5-foot wide park strip to include tree wells, street furniture and other public amenities. This setback is a build-to line requiring at least 50% of the front building elevations to be located within three feet of this setback. The proposed buildings comply with this 15-foot setback/build-to line along Center Street. The 2 buildings

along Roosevelt Street will need to be shifted approximately 3-4 feet to the east to comply with the 15-foot setback. The proposed plan includes a 10-foot sidewalk and 5-foot landscape strip along Center Street. This landscape strip will need to be a hardscaped amenity area with street trees in tree wells and street furniture instead of landscaping. It is recommended the tree grates and street furniture are similar to those at the Station at Midvale project on the north side of Center Street. For continuity of the streetscape along Roosevelt Street, it is recommended the 5-foot landscape strip remain as a grass area with street trees, and the sidewalk be designed to appropriately tie in with the existing sidewalk south of the property. This plan will need to be reviewed and approved by the City Engineer. Five-foot wide sidewalks have also been proposed along both sides of UTA's access drive adjacent to the property. These walkways tie into the public sidewalk along Center Street.

The maximum height allowed for structures in the TOD zone is 3 stories. Except for 1 unit that is 2 stories to comply with the residential setback requirement, all the units are 3 stories. When a multi-family residential development is adjacent to a single family residential zone, which is the case south of this project, the ordinance requires specific building setbacks based on the height of the structure. 3-story structures are required to be setback a minimum of 37 feet; 2-story structures are required to be setback 15 feet. The buildings have been located and designed to comply with this standard.

### **Open Space (Landscaped Area)/Recreation Amenity Area**

Based on the amount of surface parking, this project is required to have a minimum of 25% open space and landscaping. The proposed plan includes approximately 42%. Street trees have been provided along all the street frontages, planted at a rate of 1 tree per 30 feet.

Where the TOD zone is directly adjacent to a single family residential zone, a residential landscaped buffer is required. This buffer is required to be a minimum of 15 feet in width and consist of a combination of deciduous and evergreen trees, shrubs of varying heights, and a 7-foot screening wall. The proposed plan includes a 15-foot wide landscaped buffer along most of the south property line; however, one guest parking stall will need to be eliminated and replaced with landscaping. The proposed a 6-foot masonry wall will need to be 7 feet in height.

The zoning ordinance requires 15% of the project site be developed as recreation amenity areas for the residents. With walkways, picnic/BBQ area, and useable landscape areas, the project complies with this requirement.

Landscape/site improvement items that need to be addressed on a final site plan include the following:

- The landscape plan shall be consistent with the recreation amenity plan and comply with the planting requirements of the zoning ordinance, i.e. plant types, sizes and quantities; and building foundation landscaping.
- The residential landscape buffer shall include a combination of deciduous and evergreen trees and shrubs of varying heights.

- The masonry wall shall be 7 feet in height and held back from inside edge of public sidewalk to provide adequate sight distance for the driveway on the adjacent property.
- Irrigation plan shall comply with Section 17-7-8.7 (E) of the zoning ordinance.
- Benches shall be located on concrete pads.
- Details of the recreation amenities shall be included.
- Stamped, colored concrete or asphalt crosswalks shall be added across the two driveways.

## **Parking**

Each unit has a 2-car garage and 11 guest parking stalls (10 with residential landscape buffer revision). This complies with the parking requirement for each unit and exceeds the required guest parking spaces; 9 guest parking spaces are required.

## **Architecture**

The zoning ordinance requires all new multi-family residential development presents an attractive streetscape and incorporates architectural and site design elements appropriate for a pedestrian scale. The ordinance requires buildings to comply with the following architectural standards:

- The substantial use of brick, cultured brick, natural or cultured stone, wood or synthetic wood product.
- A base or foundation material with a minimum height of 1/3 the overall height of the structure that creates a larger mass at the base of a building. (The Planning Commission may allow for some deviations to the height of the base material if it finds the intent of the ordinance is met, and the height is based on appropriate visual breaks in the architecture. The Planning Commission may also allow the use of alternative materials that are the qualitative equivalent of brick or stone.)
- The use of stucco is limited to 25% of a front elevation and 50% of any other elevation. (The Planning Commission may allow stucco in excess of this standard if it finds it is warranted by the overall building design.)
- The use of appropriate color schemes and detailing to avoid blank or largely blank walls.
- A minimum of 25% openings (windows, doors) on any front or rear elevation and 15% on side elevations. (The Planning Commission may reduce this standard if it finds it is warranted by the overall building design.)
- Roof forms shall be designed to avoid continuous, unbroken lines.
- All buildings shall have a prominent front entry feature that relates to the architecture of the building.

The exterior of the proposed buildings includes cast stone veneer, metal panel siding, stucco and cement fiber board siding in earth tone colors, and glass. The cast stone veneer (base material) is proposed on the front elevation first story and wraps around a portion of the side elevations. Stucco is proposed on the first floor of the garage (rear) elevation and a portion of the side elevations. Metal and cement board siding is proposed throughout all stories. All front elevations

have less than 10% stucco, and no elevation exceeds 50% stucco. The applicant is requesting that the Planning Commission considers a deviation to the 1/3 base material height requirement to allow the cast stone veneer base material as shown.

All elevations include balconies and/or façade shifts, with a combination of colors and materials, to avoid blank or largely blank walls as required. The rooflines of the proposed buildings are varied. All front and rear elevations have at least 25% openings (windows/doors), and all side elevations have at least 15% openings. The front elevations include a metal awning over each front door at the ground level to provide an appropriate pedestrian scale to the buildings.

### **City Engineer/Fire Marshal**

The City Engineer has reviewed and approved the preliminary site plan for this project. A few details on erosion control, utility locations and storm drain calculations will need to be provided on the final site plan. The Fire Marshal has reviewed and approved the preliminary site plan subject to adding a fire hydrant and relocating two fire hydrants on the proposed plan. There is sufficient utility capacity and sufficient emergency vehicle access to accommodate this proposal.

### **Other**

Garbage collection will be done for each unit; the garages have been designed to accommodate two residential garbage cans. All air conditioning units are being proposed on the rear elevations between garages. All exterior lighting will be provided on the buildings, with wall mounted lights at each front door and above each garage door. Bollard lights are proposed near guest parking and walkways.

### **Conditional Use Criteria**

The proposed multi-family residential use is consistent with the goals of the General Plan, which encourages higher density within proximity of the TRAX station. This plan also provides a transition between the existing single family neighborhood to the south and the Center Street TRAX station with a townhouse type unit. The preliminary site plan addresses most of the conditional use criteria through compliance with the land use regulations of the TOD zone. The zone defines what has been determined as appropriate structure height and density with required setbacks from various uses. It also defines what has been determined as appropriate separation from adjoining uses through the required residential buffer (masonry wall, 15 feet of landscaping, etc.).

The issues that need to be specifically discussed and decided by the Planning Commission with this proposed Preliminary Site Plan/Conditional Use Permit include the following:

- Is it appropriate to reduce the base material height on portions of the buildings based on the overall architecture?
- Other issues raised during the public hearing.



Provided the Planning Commission is comfortable with the above items, and the items included in Staff's recommendation below are addressed with the final site plan, Staff believes this project complies with the general conditional use criteria and land use regulations of the TOD zone.

### **Staff Recommendation**

Staff would recommend that the Planning Commission discusses and considers the issues stated above, as well as any issues raised during the public hearing. Once the Planning Commission is comfortable with its decision on each of these issues, either through findings or conditions, Staff would recommend approval of the Conditional Use Permit and Preliminary Site Plan for the Midvale Station Townhomes Project with the conditions included in the recommended motion.

\* \* \*

Mr. Judkins clarified there was a traffic study done for the previous development for the site that accounted for higher density traffic. Ms. Burns added the traffic study looked at Center Street, Roosevelt Street, and farther and it indicated that the intersections would not be impacted beyond acceptable levels.

Hooper Knowlton stated he is the applicant for this item. He stated they want to build a residential sidewalk along Center Street in front of the development instead of the commercial sidewalk design required. He explained they would like to put 104 square feet of landscaping instead of the 21 square feet required by the ordinance. Using the commercial sidewalk design will take away from the residential feel of the development. He requested the Commissioners send a favorable recommendation to the Council about changing the ordinance. If the City Council does not like the change, they will build per the current standard.

Mr. Wallin asked if he was proposing to decrease the 10 foot sidewalk requirement.

Mr. Knowlton stated the 10 foot sidewalk will remain but they would like the balance of the remaining space to be landscaping instead of additional concrete. The previous commercial use had all concrete but this new development is residential, therefore, the streetscape should be softened with landscaping.

Bill Knowlton stated he is general counsel for Parleys Partners. He addressed several comments and questions posted by residents on social media.

Tyler Kirk stated he is the architect for this item. He clarified that the current zoning ordinance allows for a 5-foot landscaping park strip between the sidewalk and the road and that they would like to place the landscaping in between the townhomes and the sidewalk.

Mr. Liedtke asked why they want the exception to the base materials on the back of the units.

Mr. Kirk clarified they were looking for an interpretation of the ordinance. They were uncertain if the base material needed to wrap around the entire perimeter of the building. They set up the



front of the buildings to meet the requirement but the back of the units are unseen from the road and it is more cost effective not to meet that third base material requirement there.

Mr. Wallin asked what the change will mean for the percentages of other materials.

Mr. Kirk stated they still balance the other materials to meet the zoning ordinance requirements.

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

Trilla Beal, 7757 Roosevelt Street, shared her concerns about having construction on her property, about the value of her house falling and about the extra landscaping causing her to have more leaves and other debris in her yard.

Brad Rosenhan, 7779 Roosevelt Street, shared his concerns about traffic in the area. He asks that the City put a street light at Roosevelt and Center and that the site plan be updated to show the property lines with respect to the UTA easement. He added the architectural style does not blend well with the neighborhood.

Tristin Duncan, 7823 Roosevelt Street, stated that the City should put a stop sign on the corner of Roosevelt and Alta View. Mr. Wallin clarified the City Engineer would be the best person to share these types of comments with. She stated she would like the public hearing notification requirements to be extended past 300 feet.

Mr. Hill stated in a previous City Council meeting it was discussed that notifications about rezones, legislative decisions, and ordinance rewrites could be sent out to a wider area of residents. Conditional use permits are allowed by law and the meetings only allow the Planning Commission to impose conditions on the use to mitigate negative impacts to the area. For these types of hearings, the 300 feet requirement is appropriate.

Bryant Brown, 7819 Coolidge Street, stated he does not want the townhomes to push their snow out into Roosevelt street. Mr. Liedtke pointed out the law does not allow private property owners to push snow onto public roads. Mr. Brown added there are not enough handicap ramps on the sidewalks and corners in the area. Mr. Liedtke asked that he bring these concerns to the City Engineer.

Suzanne Walker, 116 Alta View Drive, shared her concerns about the increase in traffic with the two new developments in the area. She suggested adding an island to the street so drivers can only turn right when exiting the townhomes. She added the development's color scheme does not match the neighborhood.

Mr. Hill stated Ms. Burns and Mr. Ludwig, the City Engineer, have a meeting tomorrow (July 13<sup>th</sup>) with the traffic engineers to discuss a pedestrian safety study for Center street. He added the City has applied with Salt Lake County for a Grant to assist with pedestrian crossing improvement costs.

Laurene Walker, 7886 Olympus Street, asked if the Center Street sidewalk will be closed during construction. She asked if there are two play areas for the development or will some of the resident children have to cross the UTA access way to get to the single play area. She added the development does not make Center Street attractive.

Neal Ostler, 133 Center Square Station, stated the project does not feel like a residential development. He suggested removing two units to provide more landscape to improve the residential image. He added only having a garage door in the back means the front door is the only emergency exit and may not follow the fire code.

Verdon Walker, 7886 Olympus Street, asked if visitors to the townhomes would have to enter through Roosevelt Street and noted that the east unit has a very narrow driveway path that might cause problems.

Andrea Person, 7425 Maple Street, stated the development does not match the neighborhood and has no charm. She suggested changing the color scheme.

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

Mr. Knowlton responded to the public comments stating the value of nearby homes will not be impaired by the new development. There will be an eight-month construction period but it will be shorter and less invasive than the original plan called for. They will take care of any encroachment of trees and leaves. While the City oversees adding streetlights, the traffic study suggested a light at the corner of Roosevelt and Center Street for better illumination. The easement line will be added on the final site plan. A traffic study has already been done for the area with a higher density project proposed. The sidewalks will remain open during construction unless concrete is being poured. There is limited recreation on the south end of the eastern units but the main child recreation area is across the access way.

Mr. Kirk added the width of the east drive aisle is designed for there to be enough space for cars to travel in both directions at the same time and for drivers to have adequate room to see when backing out of their garages. The drive aisle is 20 feet with a 5-7-foot apron. The west side is wider to allow easier fire access. The east units will be able to get fire access from the UTA access, the UTA drive aisle and Center Street. He added the building plan meets emergency exit requirements.

Mr. Knowlton stated he recognizes the architecture is somewhat in the eyes of the beholder. He believes the project makes a strong architectural statement and that is the way it is being proposed. They are not open to eliminating units. The project meets all setback and height requirements.

Mr. Wallin asked if the traffic study considered the project across the street.

Mr. Knowlton stated it did as well as considering the offset of Center Square.

The Commissioners and Staff discussed ways to mitigate construction impact. The project should proceed like other construction projects by putting up fencing and working only during allowed hours. Staff will review the construction management plan that details parking, deliveries, sidewalk closures and address any safety concerns during the process. Ms. Burns added she will take the comments from the public to the City Engineer.

The Commissioners discussed the condition requiring the buildings on Roosevelt Street to be shifted back. All setback requirements need to be met.

The Commissioners agreed to adding a condition for the lease agreement to have a requirement about maintaining the garages for parking and storing garbage cans.

Mr. Liedtke asked if an 8-foot fence is going to be installed on the south property line.

Mr. Knowlton stated there is an 8-foot CMU block wall that will be extended out to Roosevelt and will meet City's requirements for visual sightlines. The other fences meet requirements and will be maintained.

The Commissioners discussed the proposed deviation for the base material height. The other materials still fit the ordinance and the colors proposed are acceptable. The percentages of materials fit the ordinance. Pitched roofs would match the neighborhood but would negatively affect the look of the project.

The Commissioners agreed changing the sidewalk requirements for the project would have a positive effect, however, they cannot take an official action on it. The ordinance change must go through the City's text amendment process.

#### **MOTION:**

Mr. Judkins moved that, *“Based on compliance with the land use regulations for a multi-family residential project in the TOD zone, with some specific conditions being addressed on the final site plan, I move that we approve the Conditional Use Permit and Preliminary Site Plan for the Midvale Station Townhomes Project to be located at 95-129 West Center Street with the following conditions:*

- 1. Buildings along Roosevelt shall be shifted to the east to comply with the required 15-foot setback measured from the back of curb.*
- 2. The 5-foot park strip along Center Street shall be a hardscaped amenity area with decorative grate tree wells, street trees and street furniture like those used along Center Square for the Station at Midvale Project.*
- 3. The sidewalk along Roosevelt Street shall be designed to appropriately tie into the existing sidewalk south of the property. This sidewalk design shall be reviewed and approved by the City Engineer.*

4. *The residential landscape buffer along the south property line shall include a 8-foot masonry wall, and a combination of deciduous and evergreen trees and shrubs of varying heights as illustrated in the zoning ordinance. The south guest parking stall shall be eliminated and the area incorporated into the required 15-foot residential landscape buffer. The masonry wall shall be held back from the inside edge of public sidewalk to provide adequate sight distance for the driveway on the adjacent property.*
5. *The landscape plan shall be revised to include:*
  - *A consistent layout with the recreation amenity plan and compliance with the planting requirements of the zoning ordinance, i.e. 25% evergreen trees and shrubs, tree sizes, ground cover, and building foundation landscaping.*
  - *The required planting for the residential landscape buffer.*
  - *An irrigation plan complying with Section 17-7-8.7 (E) of the zoning ordinance.*
6. *Details of the recreation amenities shall be provided. Benches shall be located on concrete pads.*
7. *Stamped, colored concrete or asphalt crosswalks shall be added across the two driveways.*
8. *The civil drawings shall be revised to be consistent with the architectural site plan.*
9. *All requirements of the City Engineer and Fire Marshal shall be addressed.*
10. *A 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 applicable conditions of this approval.*
11. *Tenant lease agreements shall require that unit parking garages be maintained for parking of vehicles and storage of trash/recycle cans at all times.”*

Mr. Wallin proposed to amend condition 2 of the motion to include, “*If the sidewalk standard is amended in the ordinance then the project can use the new standard.*” Mr. Liedtke seconded the amended motion. A roll call vote was taken.

Ms. Costello Yes  
 Mr. Judkins Yes  
 Mr. Liedtke Yes

Motion carried unanimously.

**3. TXT-17-04; TEXT AMENDMENT TO REVISE SUBAREA PLAN FOR JORDAN BLUFFS ZONE AND AMEND JORDAN BLUFFS ZONE USE TABLE FOR WAREHOUSE/DISTRIBUTION USES IN ALL SUBAREAS; MARK MURDOCK/GARDNER COMPANY (APPLICANT)**

Mr. Hill presented that the current Jordan Bluffs zoning ordinance, including a sub-area plan, were adopted in 2004. The Jordan Bluffs zone was written to include land uses, densities, and common development standards related to parking, utilities, signage, access management and outdoor lighting. Details related to building architecture, materials and colors; setbacks; parking lot and interior landscaping; screening and fencing were outlined through intent statements that guide the

adoption of future specific development standards. These development standards will be crafted by the city and a master developer, before any development applications can be reviewed in the zone. Work will begin on this step in the near future.

The request before the planning commission is to amend the use table in the Jordan Bluffs zone, identifying “Warehouse/Distribution” as an allowed use rather than conditional, and amending the sub-area plan. The existing sub-area plan was based on a prior land use plan that did not have the benefit of a 10-year vetting process and numerous geotechnical studies. This updated information shows the site is very limited with respect to development due to as much as 50 feet of uncompacted fill beneath the cap. The consensus of all the studies indicates large footprint, slab on grade office/warehouse type facilities are best suited for the capped area (roughly from the extension of Bingham Junction Boulevard, west), while residential uses should be constructed off the cap (roughly from the extension of Bingham Junction Boulevard, east). These proposed amendments address the realities of developing the Jordan Bluffs property that were not known in 2004.

### **Staff Recommendation**

Staff recommends that the Planning Commission forwards a positive recommendation to the City Council amending the Jordan Bluffs zoning ordinance, and amending the Jordan Bluffs sub-area map.

\* \* \*

Mark Murdock stated he is the applicant for this item. He reiterated that the site is complicated and they have spent a significant amount of time reviewing it.

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

Lorene Butler, 70 W 7500 South, stated the designs have a lack of character and resemble guard towers.

Vernon Walker, 7886 Olympus Street, stated he is pleased a development is going to be built on the cap and suggested a fish pond park be placed where the current water runoff pond exists.

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

The Commissioners discussed the site stating the contaminated ground used to be smelter. They should take advantage of what can be built on the site given its limitations and move forward. They added all the designs are currently conceptual and there will be time to look at the details of

each plan as they are proposed.

**MOTION:**

Mr. Liedtke moved that, *“I move that we forward a positive recommendation to the City Council amending the Jordan Bluffs zoning ordinance, and amending the Jordan Bluffs sub-area map as presented by Staff.”*

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

Ms. Costello Yes  
Mr. Judkins Yes  
Mr. Liedtke Yes

Motion carried unanimously.

**4. REZ-22-29-304-006; MCMULLIN REZONE; 7575-7601 SOUTH 700 EAST; REZONE PROPERTIES FROM SINGLE FAMILY RESIDENTIAL (SF-1) TO SINGLE FAMILY RESIDENTIAL (SF-1) WITH DUPLEX OVERLAY; BRIAN MCMULLIN (APPLICANT)**

Mr. Hilderman presented that Brian McMullin, representative of the property owners, is proposing to rezone and develop property between 7575 South – 7601 South 700 East under the proposed Master Planned Development/Duplex Overlay zone district development standards. This proposal includes two (2) parcels totaling approximately 1.16 acres (50,529.6 sq. ft.) and currently has two, existing single-family residences on each property with associated accessory structures. The applicant is proposing, upon approval of the rezone request, to propose a ten-unit (10-unit), owner-occupied townhome development, accessible from a private, thirty-five-foot (35’) right-of-way, associated amenities, and landscaping elements.

This proposal requires the property to be rezoned from SF-1 to SF1 with a Duplex Overlay zone; Conditional Use Permit approval for the Master Planned Development; preliminary and final site plan approval that complies with the requirements of the SF1-DO development standards; and approval of the preliminary and final subdivision plat for individual ownership of each unit and to allocate the common/limited-common areas of the proposed subdivision.

**Rezone**

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 caused by natural characteristics of the land, including but not limited to steep slopes, floodplain, unstable soils, and inadequate drainage; or
  3. Land 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.

With the adoption of the Midvale City General Plan 2016, there is no longer a General Plan Proposed Land Use Map designating future uses of property. Under the new General Plan, these properties are identified as being within a Stability Area. The General Plan states there are relatively stable residential neighborhoods, throughout most areas of Midvale City, where little change internal to the neighborhood itself is expected. New development along major streets and in areas of underutilized properties is expected however; measures to protect and enhance the livability of stable residential neighborhoods should accompany the anticipated change (2016 General Plan, Pg. 45). The General Plan further states the current overall land-use mix is desirable in these Stability Areas and the preservation of these areas character and function is the desired future condition. Some additional future land use goals for these Stability Areas include:

1. Support property maintenance and neighborhood stability.
2. Buffer uses in Stability Areas from more intensive land uses nearby, including adjacent Opportunity Areas.
3. Provide for better pedestrian/bicycle connections through and between neighborhoods.
4. Provide access to parks, trails, and recreation facilities.
5. Provide for appropriate transit opportunities.
6. Provide mechanisms for appropriate home remodeling to occur to accommodate today's lifestyles and needs.

The General Plan identifies some future goals for Residential Development and Housing development (2016 General Plan, Pg. 56) that includes:

1. Maintain and strengthen stable neighborhoods. The goal includes preserving the quality and character of existing neighborhoods; providing neighborhoods with better connectivity and access to recreational amenities; and ensuring that infill and adjacent development is compatible with the existing neighborhoods.
2. Maintain and improve the quality of the existing housing stock in Midvale, and revitalize the physical and social fabric of neighborhoods that are in decline.
3. Expand the variety of housing opportunities to allow for more choices in types and locations of residences. This includes providing for a mixture of housing sizes, densities, types and affordability in each area of the City.
4. Support the development of more affordable housing in appropriate locations, i.e., near transit, retail commercial, schools and recreational amenities.

Staff believes the existing zone district was not the result of a clerical error or mistake of fact



when the zoning designations for these properties were created however; there is evidence that the surrounding neighborhoods have changed and is continuously changing. Examples of these changes can include the following residential projects along 700 East:

- 700 East Townhomes; 7339 S – 7353 S 700 E; total size = 0.65 acres 4-unit twin home development (2006)
- Orchard Vista PUD; 7614 S 700 E; total size = 1.1 acres 13-unit twin home development and private right-of-way (2007)
- Midvale Townhomes; 7475 S – 7495 S 700 E; total size = 1.05 acres
- 10-unit twin home development and private right-of-way (2016 received use and preliminary approval)

This rezone request represents a slight, but important, change to the current zoning and land uses on these parcels of property. If the property receives approval of the rezone amendment, the applicant would then be required to receive approval of a Master Planned Development for the proposed Amara Court Subdivision which at the minimum, would require the following development requirements:

- Improved, nonmotorized vehicle trail linkages and access for general pedestrian use; x A minimum of fifteen percent (15%) of the land as improved, common open space to include such uses as mini-parks, picnic areas, playgrounds, recreation areas and structures such as club houses, pavilions, swimming pools, etc.;
- A minimum of fifty percent (50%) of the site shall be open space (excluding streets, parking, driveways, and steep slopes);
- A minimum of sixty percent (60%) of the structural facade and forty percent (40%) of the side facade shall be brick or equivalent material. The planning commission may grant a reduction to the forty percent side facade requirement based on design merit, or if it is demonstrated that all or portions of the facade cannot be seen from public or common areas;
- A grant to the city of a permanent open space easement on and over all private open spaces to guarantee that the open space remains perpetually in recreational use, with the ownership and maintenance being the responsibility of the owners' association; and
- Adopted articles of association and by-laws of such association that are satisfactory to the city.

Based on the initial, conceptual plan provided by the applicant, it appears the proposal is compliant with the requirements state above. The applicant would also be required to submit for and receive preliminary and final subdivision plat approval, complying with the subdivision process for Title 16, to allow individual ownership of each attached, single-family town home structure.

The Planning Commission will need to consider the appropriateness of the rezone request and forward a recommendation to the City Council for its consideration. The City Council will make a final decision on this legislative request.

## Staff Recommendation

Staff recommends that the Planning Commission conducts a public hearing on this request and considers all appropriate and applicable input received. If the Planning Commission has questions or concerns that cannot be answered at the meeting or if additional information is needed, Staff recommends the Planning Commission table a decision for a later date, stating the specific information being requested.

\* \* \*

Brian McMullin stated he is the applicant for the item. It is a 2-story town home project that is for-sale project. There will be an HOA that will maintain landscaping.

Mr. Liedtke made a motion to open a Public Hearing. Ms. Costello seconded the motion. Motion carried.

David Nelson, 7555 S 700 East, shared his concerns with the number of units being brought into the area and his concerns with the City's number of high density units in general. He asked what will be done with the water ditches that go through the site and who maintains long-term responsibility for those rights.

Mr. Wallin stated the canal water question would be addressed at a different meeting if this proposed zone change is approved. He added there are a lot of proposed high density projects. This is probably due to the central location of Midvale City, growing population, and geographical limitations.

Diane Bjarnson, 594 E 7500 South, stated she would not like high density in the area. She added the residents with water rights need to have access to the canal water.

Benjamin Moffat, 7385 S 700 East, stated high density would be troublesome for traffic and he would like the developer to design with the charm of the area in mind. He had questions about how his property would be fenced in and whether there would be an easement into his property. He asked if the zone change would carry over to his property.

Hollie Moffat, 7385 S 700 East, stated their address is the address of a rental property. She asked if they would get updates on construction time estimates.

Suzanne Walker, 116 Alta View Drive, stated traffic around Hillcrest High School will get worse with the additions. She asked if there was a possibility of working with the school district to better direct the traffic.

Andrea Person, 7425 Maple Street, stated she does not want high density in the area.

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

Mr. Wallin stated the rezone is not a high-density rezone.

Mr. Hilderman clarified the rezone allows individual ownership of the units. It will not dictate whether the development can be built. There are height limitations at 28 feet.

Mr. Liedtke stated the development will be required to allow access to the water for the residents that have water rights.

Ms. Burns explained the irrigation company will be involved in the development plan. They will need to approve changes to the system. The users may be involved in maintenance.

Mr. McMullin explained allowing access and maintaining the canal will be added to the HOA's responsibilities.

Mr. Hilderman added if the rezone is approved another public hearing will be held for the development's conditional use permit. There will likely be a condition requiring a written notice from the canal company approving the plan.

**MOTION:**

Mr. Liedtke moved that, *“Based on the development patterns in the area and the configuration of the property, including compliance with the General Plan and Zoning Ordinance, I move we forward a positive recommendation to the City Council to rezone the properties located between 7575 South – 7601 South 700 East from Single-Family Residential to Single-Family Residential with a Duplex Overlay (SF-1 to SF1-DO).”*

Ms. Costello seconded the motion. A roll call vote was taken.

Ms. Costello Yes  
Mr. Judkins Yes  
Mr. Liedtke Yes

Motion carried unanimously.

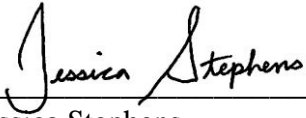
**MINUTES:**

**5. REVIEW AND APPROVE MINUTES OF JUNE 28, 2017**

Mr. Liedtke moved to postpone the approval of the minutes to July 26, 2017. Mr. Judkins seconded the motion.

**ADJOURN:**

Mr. Judkins moved to adjourn at 10:35 PM.

A handwritten signature in black ink that reads "Jessica Stephens". The signature is written in a cursive style with a large initial "J".

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Jessica Stephens  
CD Administrative Assistant