MIDVALE CITY COUNCIL MEETING
AGENDA
August 29, 2017

PUBLIC NOTICE IS HEREBY GIVEN that the Midvale City Council will hold a regular meeting on the 29th Day of August, 2017 at Midvale City Hall, 7505 South Holden Street, Midvale, Utah as follows:

6:30 PM
INFORMATIONAL ITEMS

I. DEPARTMENT REPORTS

II. CITY MANAGER BUSINESS

7:00 PM
REGULAR MEETING

III. GENERAL BUSINESS
A. WELCOME AND PLEDGE OF ALLEGIANCE
B. ROLL CALL
C. Government Finance Officers Association Presentation

IV. PUBLIC COMMENTS

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

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

VI. MAYOR REPORT
A. Mayor JoAnn B. Seghini

VII. PUBLIC HEARING(S) - 7:00 PM
A. Consider Rezoning property at 475 East Fort Union Boulevard from Single Family Residential (SF-1) Zone/Duplex and 7200 South Overlays to Mixed Use Zone/7200 South Overlay [Lesley Burns, City Planner]
B. Consider Final Subdivision Plat for Jordan Bluffs 2-Lot Subdivision, 8056 South Main Street (7800-8600 South and 700 West to Jordan River) [Phillip Hill, Assistant City Manager/Community Development Director]

VIII. CONSENT AGENDA
A. Consider Minutes of August 1, 2017 [Rori Andreason, H.R. Director/City Recorder]

IX. ACTION ITEMS
A. Consider Resolution No. 2017-R-31 Accepting and Approving the Results of the Municipal Primary Election held on August 15, 2017 as shown on the Canvassing Report [Rori Andreason, H.R. Director/City Recorder]

B. Consider Ordinance No. 2017-O-12 Rezoning property located at 7575 South -7601 South 700 East from Single-Family Residential with a Duplex Overlay (SF-1 to SF1/DO) [Matt Hilderman, Associate Planner]

X. DISCUSSION ITEMS
A. Discussion of Draft Development Agreement with Gardner Jordan Bluffs Holdings, L.C. [Phillip Hill, Asst. City Manager/CD Director; Lisa Garner, City Attorney; and Jody Burnett, Outside Legal Counsel]

B. Discuss Interlocal Cooperation Agreement between Murray City and Midvale City for Storm Water Detention at the Bingham Junction Detention Facility [Kane Loader, City Manager]

C. Discuss Standstill Agreement between Midvale City and Crown Castle, a wireless communications facility provider [Lisa Garner, City Attorney]

XI. ADJOURN

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

A copy of the foregoing agenda was provided to the news media by email and/or fax; the agenda was posted in the City Hall Lobby, the 2nd Floor City Hall Lobby, on the City’s website at www.midvalecity.org and the State Public Notice Website at http://pmn.utah.gov. Council Members may participate in the meeting via electronic communications. Council Members’ participation via electronic communication will be broadcast and amplified so other Council Members and all other persons present in the Council Chambers will be able to hear or see the communication.

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

DATE POSTED: AUGUST 25, 2017

RORI L. ANDREASON, MMC
H.R. DIRECTOR/CITY RECORDER
SUBJECT:

Public Hearing on a request to Rezone 0.35 acres from SF-1 with Duplex and 7200 South Overlays to Mixed Use (MU) with 7200 South Overlay at 475 E. Fort Union Blvd. to convert existing single family house to an office use

SUBMITTED BY: Lesley Burns, City Planner

SUMMARY:

The applicant, James Rohbock, is proposing to convert the existing single family house at 475 East Fort Union Boulevard into a small office for their business under the Mixed Use/7200 South Overlay zones. The property is approximately 0.35 acres in size (0.24 acres outside an existing easement for the Jordan and Salt Lake City Canal) and includes a single-family house and detached garage. The proposed office use would encompass the entire house, approximately 700 square feet; the detached garage would be used for parking and storage. No expansion of the existing structures is being contemplated. As part of this conversion, the owners are proposing to construct four parking stalls in addition to the two spaces in the detached garage, and landscape the property.

Rezone

Currently the property is zoned Single-family Residential (SF-1) with a Duplex Overlay; it is also part of the 7200 South Overlay. The 7200 South Overlay was created to facilitate the transition of the 7200 South Corridor from residential to a mix of residential and commercial uses. To allow a general office use, the property needs to be rezoned to Mixed Use (MU) in conjunction with a proposed site plan that complies with the requirements of the Mixed Use Zone and the 7200 South Overlay.

This proposal is consistent with the goals of the Midvale City General Plan 2016, which includes this property within the 7200 South Opportunity Area. One of the land use goals of the 7200 South area is to support new office uses west of 700 East (pg. 54 – Midvale City General Plan 2016).

Planning Commission Recommendation

The Planning Commission reviewed the rezone request along with the preliminary site plan for the parking and landscape improvements for the proposed house/office
conversion on July 26, 2017. Following the public hearing, the Planning Commission forwarded a positive recommendation to the City Council to rezone the property to the Mixed Use zone with the condition that the development on the property occur in a manner consistent with the preliminary site plan approved concurrently by the Planning Commission with the following conditions:

1. This approval is contingent upon the City Council approving the rezone of the property to Mixed Use.
2. The applicant shall obtain approval from Salt Lake City Public Utilities for any improvements that fall within the canal easement along the east side of the property.
3. The property owner shall record an easement for four additional feet of sidewalk width along Fort Union Boulevard for future sidewalk improvements.
4. 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.

Adoption of an ordinance is required for all rezones. If the City Council decides to approve the rezone as requested, an ordinance has been prepared to accomplish this. Proposed Ordinance No. 2011-16 is attached, however, the legal description attached to the ordinance needs to be verified by the City Engineer to ensure the description is accurate before the ordinance becomes effective.

**FISCAL IMPACT:**

N/A

**STAFF RECOMMENDATION:**

Staff agrees with the Planning Commission’s recommendation. Staff further recommends the City Council conducts the required public hearing for the rezone request and takes the information and comments presented under advisement, with a decision to be made at the next City Council meeting.

**RECOMMENDED MOTION:**

“*I move that we take under advisement the information presented tonight and schedule a decision to be made at the next City Council meeting.*”

**Attachment:**

- Vicinity Map
- Zoning Map
- Existing Site Conditions
- Preliminary Site Plan
LANDSCAPE SCHEDULE

<table>
<thead>
<tr>
<th>Sym</th>
<th>Qty</th>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Size</th>
<th>Spacing</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td></td>
<td>Juniperus chinensis densata</td>
<td>Spartan Juniper</td>
<td>6'</td>
<td>12' o.c.</td>
</tr>
<tr>
<td>2</td>
<td></td>
<td>Ceris canadensis</td>
<td>Eastern Redbud</td>
<td>2' Cal.</td>
<td>As Shoe</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Existing Tree to Remain or Relocated</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

SHRUBS

|     |     | Euonymus alatus compacta   | Dwarf Burning Bush | 2 Gal. | 4' o.c. |
| 9   |     | Mahonia aquifolium compacta| Compact Oregon Grape| 2 Gal. | 4' o.c. |
| 4   |     | Prunus laurocerasus Otto Luyken | Otto Luyken Laurel | 2 Gal. | 4' o.c. |
| 5   |     | Spiraea bumalda 'Goldflame'| Goldflame Spirea  | 2 Gal. | 3' o.c. |

ORNAMENTAL GRASSES

|     |     | Calamagrostis x acutifolia Karl Foerster' | Karl Foerster Feather Grass | 1 Gal. | 3 o.c. |

LANDSCAPE TABULATIONS

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>SITE AREA</td>
<td>10,454 S.F.</td>
</tr>
<tr>
<td>LANDSCAPE AREA</td>
<td>4,949 S.F.</td>
</tr>
<tr>
<td>REQ'D. PROVIDED</td>
<td>12.4 TREES</td>
</tr>
<tr>
<td>SITE TREES (1,400 S.F.)</td>
<td>2,475 S.F.</td>
</tr>
<tr>
<td>TURF AREA (MAX 50%)</td>
<td></td>
</tr>
</tbody>
</table>

| North Scale: 1" = 20'-0" |
| Date: 5/30/2017 |
SUBJECT:

Public Hearing on Jordan Bluffs 2-Lot Subdivision Plat located at approximately 8056 S. Main St. (7800-8600 South and 700 West to Jordan River)

SUBMITTED BY:

Phillip Hill, Assistant City Manager/Director, CD

SUMMARY:

Gardner & Co. L.C. is requesting approval of a two lot subdivision for the 263-acre Jordan Bluffs property. Lot 1 will consist of 38 acres and Lot 2 225 acres. An approved subarea plan, dividing the property into four areas for purposes of land uses and densities, is part of the Jordan Bluffs zoning for this property. For reference, Lot 1 will encompass sub-area 4, and Lot 2 will include sub-areas 1, 2, & 3. The purpose of this subdivision is to allow Gardner & Co. L.C. to sell Lot 1 to Wasatch Properties after closing on the property through the purchase agreement with the Midvale Redevelopment Agency (RDA).

Section 2.11 of the purchase agreement allows the “Purchaser” to apply to the City for approval to subdivide the property. Through Section 2.15 of the purchase agreement with the RDA, this allowance extends to Gardner & Co.

Staff has reviewed the general layout of the subdivision plat and finds that it meets the requirements of the Jordan Bluffs Zone and Title 16 of the Midvale Municipal Code.

On August 9, 2017, the Planning Commission forwarded a positive recommendation to the City Council for approval of the subdivision plat for the Jordan Bluffs Subdivision with 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. The applicant shall obtain duty to serve letters for water and sewer prior to the subdivision plat being recorded.
3. The applicant shall provide evidence that a courtesy notice has been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia and CenturyLink regarding the utility easements on the subdivision plat prior to final approval.
A final subdivision plat has been prepared and is being reviewing by the City Engineer to ensure the boundaries, legal descriptions and dimensions of the plat are accurate. Any required changes to the plat following this review will just be technical in nature and not affect the proposed lot layout.

**FISCAL IMPACT:** N/A

**STAFF RECOMMENDATION:**

Staff recommends the City Council conducts the required public hearing on this request. Provided no new issues are raised during the public hearing, Staff recommends the City Council approves the final subdivision plat for the Jordan Bluffs Subdivision with the following conditions:

1. The applicant shall obtain all required signatures on the subdivision plat Mylar.
2. The applicant shall obtain duty to serve letters for water and sewer, and provide evidence that a courtesy notice has been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia and CenturyLink regarding the utility easements on the subdivision plat prior to the subdivision plat being recorded.

**RECOMMENDED MOTIONS:**

Option 1 – Table Decision

“I move that we table a decision on the proposed subdivision plat for the applicant to address the following items:

1. . . .
2. . . .”

Option 2 - Approval

“I move that we approve the final subdivision plat for the 2-lot Jordan Bluffs Subdivision with the following conditions:

1. The applicant shall obtain all required signatures on the subdivision plat Mylar.
2. The applicant shall obtain duty to serve letters for water and sewer, and provide evidence that a courtesy notice has been sent to Dominion Energy, Rocky Mountain Power, Xfinity, Utopia and CenturyLink regarding the utility easements on the subdivision plat prior to the subdivision plat being recorded.”

**Attachments:**

- Vicinity Map
- Jordan Bluffs Sub-area plan
- Proposed Subdivision Plat
Mayor JoAnn B. Seghini called the meeting to order at 6:35 p.m.

I. INFORMATIONAL ITEMS
   A. DEPARTMENT REPORTS

Chief Mazuran introduced Officer Greg Wathen as Officer of the Month for June. He discussed a vehicle burglary that took place where the victim in the burglary had most of her possessions. Officer Wathen was called out on another location where property had been left behind and realized the two incidents may be connected. In doing so, he was able to recover all of the belongings for the victim on the vehicle burglary.

Laurie Harvey said she, Kane, Ivan Sandoval, and Chief Mazuran will be attending the White City Town meeting to discuss Midvale City processing their court cases. She expressed appreciation for two of her employees, Leslie Coleman and Meagan Evans, for updating the utility billing website.

Phillip Hill said he has been approached by Salt Lake County who would like the City to explore adding some dog parks. The City currently has one dog park in Bingham Junction. This item will come back for further discussion. He said there is an item on the agenda to discuss a development agreement which they are not ready to discuss that evening. This item will be rescheduled for the next Council meeting. The EPA has committed to $100,000 a year grant for 5 years for a site coordinator position. He is working to get that grant application prepared. He reported on the light on Normandy Way, which has been replaced. A resident contacted staff regarding a project at 440
East 7200 South where residents are concerned with the lights on the crosswalk. He has contacted Rocky Mountain Power to address this issue.

Larry Wright said he has investigated the idea of terminating the contract with the building cleaners. There have been many complaints about the job that is not getting done. He has tried working with them for the past year regarding the complaints, but it has not improved. Bringing this function in-house will not cost the City any more money than being paid currently but the staff will have more control. The Council agreed.

Rori Andreason reviewed the Harvest Days Schedule of events as well as the Meet the Candidate events scheduled.

Lisa Garner said she and Jarin Blackham met with Mr. Mears regarding his GRAMA request which was modified. The number of items for review according to Mr. Mears’ request is 675 items. She said she will proceed with the request process.

II. CITY MANAGER’S REPORT
Kane Loader reported on several follow-up items from the last meeting. He discussed the issues with connecting to Utopia. Everyone seems to want it but the infrastructure hasn’t been completed.

Councilmember Paul Hunt said that marketing is not a problem for Utopia. It’s getting Utopia connected that is the problem.

Kane Loader reported that the Union Jordan ditch head gate has been closed off permanently. He said there is a connection to the ditch for storm water, and that has been disconnected as well.

Kane Loader said Lorene Butler said the welcome to Midvale sign has been cleaned up. The cemetery fence will also be fixed in the next few weeks.

Kane Loader said Verdon Walker suggested that the old Senior Center be turned into a Parks and Recreation department. He explained that there are only two people in the parks department so that would not serve a purpose. The building was scheduled to be remodeled and put to use as a new community center and a new home for the Midvale Museum. They are currently working on designs for the remodel.

Kane Loader said Dustin Gettel asked for live streaming the City Council meetings. He said staff has been exploring ways to accomplish this. This item will be brought back for discussion at a future meeting.

Kane Loader reported that on August 18th at 5:30 p.m. the new Midvale Middle School with have a welcome back night for the students with tours of the school and hotdogs and hamburgers.

The Mayor called the business meeting to order at 7:12 p.m.

III. GENERAL BUSINESS
A. Welcome and Pledge of Allegiance
B. Roll Call – Council Members Paul Hunt, Wayne Sharp, Quinn Sperry, Paul Glover, and Stephen Brown were present at roll call.

IV. PUBLIC COMMENTS
Robert Newman said he came before the Council asking for his street light to be replaced. He said it has been completed. He expressed his appreciation for the quick turn around.

Laurene Walker said her husband knows the City doesn’t have a recreation department but wonders why. She wanted to pay tribute to her daughter-in-law Suzanne and the work she has done with the Arts Council.

Robert Hale said he has had the privilege of meeting many citizens over the month. He said 90% of the residents in Bingham Junction love their homes and the location. He asked about the fence around the City cemetery that is broken. Kane Loader said that project is scheduled to be repaired.

Mayor Seghini said she agreed with the hard work the Walker family has put into the Arts Council. She expressed her appreciation.

V. COUNCIL REPORTS
A. Councilmember Paul Hunt – also agreed with the hard work the Walker family has put into the Arts Council.

B. Councilmember Quinn Sperry – asked for clarification of the parking on 900 East with the project being built. Phillip Hill said there will be no parking on 900 East. He thanked Phil for his quick response on the street light on Normandy Way. He said a resident said the County was working on the light at 7200 South and 700 East and took out the left turn lane. He expressed his frustration with some residents who did not clean up their fireworks after the July 4th and 24th holidays.

C. Councilmember Wayne Sharp – discussed the seriousness of the West Nile virus. He encouraged the residents to remove the standing water from their yards on a regular basis.

D. Councilmember Stephen Brown – asked staff to follow-up on the striping on Millennial Way.

E. Councilmember Paul Glover – also thanked the Walkers for their hard work on the Arts Council.

VI. MAYOR REPORT
Mayor JoAnn B. Seghini – invited the residents to schedule a block party with the police department. The Mayor, City Council members, Police, and Fire can come visit these parties.

MOTION: Councilmember Stephen Brown MOVED to open a 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.
VII. PUBLIC HEARINGS
A. CONSIDER REZONE REQUEST FROM SINGLE-FAMILY RESIDENTIAL WITH A DUPLEX OVERLAY (SF-1 SF1/DO) LOCATED FROM 7575 SOUTH – 7601 SOUTH 700 EAST

Matt Hilderman said 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.

In order for this development to proceed as proposed, the following approvals are required from the City:

1. A rezone of the entire property from SF-1 to SF1/DO.
2. Approval of a Conditional Use Permit for any proposed Master Planned Development.
3. Preliminary and Final Site Plan approval that complies with the requirements of the SF1/DO development standards.
4. Preliminary and Final Subdivision Plat approval for individual ownership of each unit and to allocate the common/limited-common areas of the proposed subdivision.

General Plan and 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 2 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 for 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;
• 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 stated 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.

Planning Commission Recommendation
On July 12, 2017, this application was presented before the Planning Commission at their regularly scheduled meeting. During discussion and review of this application, including citizen testimonies, the Commission heard concerns related to; an increase in density for this area; use of the existing irrigation ditches/canals and water rights; and the amount of high-density users vs. single-residential users. After further discussion and review, the Commission forwarded a positive recommendation concerning the rezone request with the following motion:

“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).” A roll call vote was taken with a unanimous vote of 3-0.

STAFF RECOMMENDATION:
In reviewing this application and the above criteria, the City Council shall consider the appropriateness of this rezone request, consider all appropriate and applicable input received and determine a final decision on this legislative change request, at their next available meeting.

Mayor Seghini opened the public comment portion of the public hearing.
Holly Moffit, 7585 South 700 East, said her address has been confusing for a long time. She would like that to maybe be addressed during this project. Her house sits right on the property line so she would like consideration of that. The Orchard Pines Development has been wonderful but there isn’t ample parking. She was concerned about the amount of parking in this development.

Gina Dolapiana, said there are some semi-trucks that turn around in the circle. She feels there isn’t sufficient parking for this area. She expressed concern about losing her country feel in her yard if a large wall is built.

Brad Ballard, 7565 South, said he’s not happy with the project on any level. He wouldn’t have moved there if he had known about this. He is not happy he will lose his yard, and have people looking into his yard.

Gina Dolapiana said it is completely surrounded by single family dwellings.

Scott Geertsen, representing the developer, said they are sensitive to the residents in this area and want to do what they can to help with concerns that were brought up. He said they would not prefer to put up a cement fence and would rather put up a nice 6 ft. wood fence. With the parking issues on 700 East, they will accommodate four vehicles per residence.

Councilmember Quinn Sperry mentioned adding in the HOA covenants that the garages must be used for parking. It’s difficult to enforce but it can be done.

Ben Moffit asked when does the zoning end. He said some long-time residents will move because of these types of developments.

Andrea Person said she agreed. When is enough enough. She said the Council should be making decisions based on their moral compass and not what will benefit the budget.

Councilmember Wayne Sharp said the Council makes decisions based on the law. The City won’t make money on these developments.

Councilmember Quinn Sperry discussed the training by the state ombudsman regarding legal rights associated with land use. He said he appreciates the residents expressing their concerns.

Mr. Ballard continued to express his concern and dislike for this proposed project. He said he was frustrated that these kinds of developments can take place.

Councilmember Steve Brown said when the Council considers a rezone request, they look at the purpose for the rezone. They look at three things: 1-Does it comply with the General Plan; 2-Is the existing zoning a mistake; 3-Has the surrounding land changed and the rezone is necessary to encourage development. He feels the land hasn’t changed to a degree that this area should be rezoned.

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

This item has been scheduled for consideration at the next regular Council meeting.

VIII. CONSENT AGENDA
   A. APPROVE MINUTES OF JULY 18, 2017

MOTION: Councilmember Quinn Sperry MOVED to approve minutes of July 18, 2017. 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
- Council member Wayne Sharp: Aye
- Council member Quinn Sperry: Aye

The motion passed unanimously.

IX. ACTION ITEMS
   A. APPROVE ORDINANCE NO. 2017-O-10 PROPOSED TEXT AMENDMENT TO REVISE THE SUBAREA PLAN FOR THE JORDAN BLUFFS ZONE AND AMEND THE JORDAN BLUFFS USE TABLE FOR WAREHOUSE/DISTRIBUTION USES IN ALL SUBAREAS

Phillip Hill said 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 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.

A public hearing was held with the Planning Commission on July 12, 2017 at which time they took public comment and forwarded a positive recommendation to the City Council regarding this
request. The public hearing with the City Council was held on July 18, 2017, no additional public comment was received.

MOTION: Councilmember Paul Hunt MOVED to approve Ordinance No. 2017-O-10 amending the Jordan Bluffs zone to include a new sub-area map and changing Warehouse/Distribution from a conditional use to an allowed use. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the she called for a roll call vote. The voting was as follows:

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

The motion passed unanimously.

B. CONSIDER RESOLUTION NO. 2017-R-29 AMENDING THE MIDVALE POLICIES AND PROCEDURES MANUAL

Rori Andreason said during the FY2018 budget process, the Educational Assistance program amounts were increased; however, were not reflected in the amended Policies and Procedures Manual. It has since come to staff’s attention that additional amendments were needed to clarify the program to both the employees and management.

The reimbursement amounts have been changed from $500 per semester with a maximum of $1000 annually to $1000 per semester with a maximum of $3,000 annually. A sentence was added to require an employee who separates from the City to sign a promissory note repaying the amount owed if the final paycheck does not cover the total due. Also, a sentence was added indicating that the City may pay 100% of Continuing Education Units and certifications required for the current position at the City and the employee will not be required to repay that amount.

Since the reimbursement amounts were changed with the adoption of the FY2018 budget, she requested the Council suspend the rules and consider adoption of these amendments that night so employees do not have to wait another month for the changes to take effect.

MOTION: Councilmember Paul Hunt MOVED to suspend the rules to adopt this since there isn’t another meeting until the end of the month. The motion was SECONDED by Councilmember Quinn Sperry. Mayor Seghini called for discussion on the motion. There being none the she called for a vote. The motion passed unanimously.

MOTION: Councilmember Stephen Brown MOVED to approve Resolution No. 2017-R-29 amending the Midvale Policies and Procedures Manual. The motion was SECONDED by Councilmember Paul Hunt. 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
C. APPROVE RESOLUTION NO. 2017-R-30 DECLARING SURPLUS PROPERTY

Jarin Blackham said as the City replaces vehicles, computers and other technology items, there is still residual value in some of the retired equipment. While some items on the list have a minimal resale value, other items have a cost associated with disposal. Items with a higher resale value may be sold or auctioned and less valuable equipment will be disposed through a bulk-disposal or recycling company.

City ordinance requires that the Council declare surplus any property, equipment, etc. before disposal. The equipment shown on the attached list is no longer in use and should be disposed. He asked that the Council also suspend the rules to take action on this item that evening.

MOTION: Councilmember Quinn Sperry MOVED to suspend the rules. The motion was SECONDED by Councilmember Stephen Brown. Mayor Seghini called for discussion on the motion. There being none the she called for a vote. The motion passed unanimously.

MOTION: Councilmember Quinn Sperry MOVED to approve Resolution No. 2017-R-30 declaring miscellaneous computer and electronic equipment surplus property as listed on attachment “A” as surplus. The motion was SECONDED by Councilmember Paul Hunt. 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.

X. DISCUSSION ITEMS

A. DISCUSSION OF DRAFT DEVELOPMENT AGREEMENT WITH GARDNER BLUFFS HOLDINGS, L.C.

This discussion item was tabled to a later date.

B. ARTS COUNCIL DISCUSSION

Bob Bedore, Vice Chair of Midvale Arts Council, said losing Suzanne Walker is a tough loss but they are moving forward. He discussed a grant they received from CHG. He also invited everyone out to the Harvest Days activities. He said introduced the Council to the new Executive Director of the Arts Council, Daniel Daniels.
Daniel Daniels introduced himself and his desire to continue to build the legacy of the Midvale Arts Council.

Mr. Bedore said they have convinced an international improv festival to call Midvale their home. He thanked the City for their support.

C. DISCUSSION REGARDING PROPERTY TAX NOTICES
Laurie Harvey reviewed the property tax notice and clarified the information. She reviewed the notice of property valuation.

Councilmember Quinn Sperry said he would like a summary put on the website explaining how to read the property tax notice as well as put in the newsletter.

Laurie Harvey stated that 9% of property tax goes to Midvale City and 13% goes to the Unified Fire Service Area. She discussed understanding your property tax notice.

![Notice of Property Valuation](image)

**Taxable Value = 55% for residential**

Notice of Tax Changes

![Notice of Tax Changes](image)
Certified Tax Rate Calculation
- Entities receive tax revenue equal to previous year (plus revenue from new growth)
- If AVERAGE property values increase by 10%, tax rate will decrease by 10%
- AVERAGE property value increase is not the same as SPECIFIC property value increase
- SPECIFIC property value increase may be higher or lower than the AVERAGE
- Actual amount required to service any entity’s General Obligation debt may vary from year to year

Property Tax Increases
- An increase in the certified tax rate for operations requires:
  - Advertisement in paper
  - Separate column on tax notice
  - Public hearing
  - Adoption of new rate by the taxing entity

Property taxes for Education – 50% of total

<table>
<thead>
<tr>
<th>Taxing Entity</th>
<th>Explanation</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canyons School District</td>
<td>Operations/debt</td>
<td>33%</td>
</tr>
<tr>
<td>State Basic School Levy</td>
<td>Guarantees minimum funding per student</td>
<td>11%</td>
</tr>
<tr>
<td>Utah Charter Schools</td>
<td>Ensures funding follows the student</td>
<td>1%</td>
</tr>
<tr>
<td>Jordan old debt service</td>
<td>2003 bond (prior to split) matures 2022</td>
<td>5%</td>
</tr>
<tr>
<td>Canyons Equal Cap Outlay</td>
<td>Sunset last year</td>
<td>0%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>50%</td>
</tr>
</tbody>
</table>

No proposed increases this year.

Property taxes by Salt Lake County – 22% of total
### Property taxes for Salt Lake County

<table>
<thead>
<tr>
<th>Taxing Entity</th>
<th>Explanation</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salt Lake County</td>
<td>Operations/debt</td>
<td>16%</td>
</tr>
<tr>
<td>Salt Lake County Library</td>
<td>Operations/debt</td>
<td>4%</td>
</tr>
<tr>
<td>Assessment &amp; collection</td>
<td>Administration of property tax assessment &amp; collection</td>
<td>2%</td>
</tr>
<tr>
<td>Judgement levies</td>
<td>May be assessed by entity to pay for prior year appeals</td>
<td>&gt;1%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>22%</td>
</tr>
</tbody>
</table>

Proposed tax increases this year for judgement levy only. August 15 at County Offices

Collection fee charges by the State - <1% of total
Property taxes by Special Districts – 6% of total

<table>
<thead>
<tr>
<th>Taxing Entity</th>
<th>Explanation</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paid by all Midvale Taxpayers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>S. SL Valley Mosquito Abatement</td>
<td>Operations/debt</td>
<td>.1%</td>
</tr>
<tr>
<td>Jordan Valley Water*</td>
<td>Operations/debt</td>
<td>3%</td>
</tr>
<tr>
<td>Central Utah Water Conservancy**</td>
<td>Operations/debt</td>
<td>3%</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>6%</td>
</tr>
</tbody>
</table>
Proposed tax increases this year:
- *Jordan Valley Water – 15% - August 9
- **Central Utah Water – 6% - August 14

Property taxes – other Special Districts

<table>
<thead>
<tr>
<th>Taxing Entity</th>
<th>Explanation</th>
<th>Tax on $230,000 residence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Varies by area within Midvale</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mid Valley (Sewer)</td>
<td>Operations/debt</td>
<td>$98</td>
</tr>
<tr>
<td>Sandy Suburban (Sewer)</td>
<td>Operations/debt</td>
<td>$96</td>
</tr>
<tr>
<td>Cottonwood (Sewer)</td>
<td>Operations/debt</td>
<td>$24</td>
</tr>
</tbody>
</table>

No proposed tax increases this year

Property taxes for municipal services – 22% of total

Property taxes – Municipal Services

<table>
<thead>
<tr>
<th>Taxing Entity</th>
<th>Explanation</th>
<th>% of total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Midvale City</td>
<td>Operations/debt for Midvale City Services</td>
<td>9%</td>
</tr>
<tr>
<td>Unified Fire Service Area (UFA)</td>
<td>Operations/debt for fire service</td>
<td>13%</td>
</tr>
<tr>
<td>UFA judgement levy*</td>
<td>May be assessed by entity to pay for prior year appeals</td>
<td>&gt;1%</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>22%</strong></td>
</tr>
</tbody>
</table>
*UFA is a calendar year entity. Hearing for tax increase was held in December 2016

Breakdown of Property Tax Assessment
Midvale City properties

- Unified Fire...
- Midvale City 9%
- Special Districts 6%
- Education 50%
- Salt Lake County 22%

Breakdown of Property Tax Assessment
Midvale City properties

- Unified Fire Service Area 13%
- Midvale City 9%
- Canyons School District 33%
- Salt Lake County 16%
- Jordan (old debt) Charter Schools 5%
- State Basic School Levy 11%
- School District 2%
- SL Co Library 4%
- SL Co Assessment/Collections 3%
- Jordan Valley Water 3%
- Central Utah Water 3%
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 9:16 p.m.

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

Approved this 29th day of August, 2017.
SUBJECT: Resolution Approving the Official Canvass of the Midvale City 2017 Municipal Primary Election

SUBMITTED BY: Rori Andreason, H.R. Director/City Recorder

SUMMARY:
The Mayor and City Council are the legislative body for Midvale City and comprise the Board of Municipal Canvassers pursuant to Utah Code §20A-4-301. Utah Code requires the Board of Municipal Canvassers to meet to canvass the returns of the Municipal Primary Election no sooner than seven days and no later than 14 days after the election.

Salt Lake County is preparing the election results report for your review and approval. Any valid ballots received by noon on the day of the official canvass and postmarked before election day will be opened and added to the election results. The final canvass report will be distributed and reviewed at the meeting.

STAFF RECOMMENDATION:
Staff recommends the Board of Canvassers approve Resolution No. 2017-R-31 Accepting and Approving the Results of the Municipal Primary Election held August 15, 2017 as shown on the Canvass Report. The Board of Canvassers will be requested to sign the official canvass results indicating their approval.

FISCAL IMPACT: N/A

RECOMMENDED MOTION:

I move that we approve Resolution No. 2017-R-31 Accepting and Approving the Results of the Municipal Primary Election held August 15, 2017 as shown on the Canvass Report.

Attachments: Resolution
WHEREAS, on August 15, 2017, the Midvale City Municipal Primary Election was held; and

WHEREAS, the Mayor and City Council are the Municipal Legislative Body for Midvale City and comprise the Board of Municipal Canvassers per Utah Code Annotated 20A-4-301(2)(a); and

WHEREAS, the Board of Canvassers shall meet to canvass the returns of the Municipal Primary Election at the usual place of meeting of the Municipal Legislative Body no sooner than seven days and no later than fourteen days after the election per Utah Code Annotated 20A-4-301(2)(b)(ii); and

WHEREAS, on August 15, 2017, the Board of the Canvassers canvassed the returns of the Municipal Primary Election; and

WHEREAS, the Board publicly canvassed the returns, determined from them the votes of each voting precinct of each person voted for; and

WHEREAS, the Board of Canvassers have determined that the election and voting were conducted in compliance with Utah State law.

NOW, THEREFORE, BE IT RESOLVED by the Midvale City Board of Canvassers:

Section 1.  The Mayor and City Council, as the official Board of Canvassers, hereby accepts and approves the Election Results for the 2017 Midvale City Municipal Primary Election held August 15, 2017.

Section 2.  The following candidates are declared to have received the number of votes indicated:

**Mayor (4-Year Term)**

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrea B Person</td>
<td></td>
</tr>
<tr>
<td>Matthew Hansen</td>
<td></td>
</tr>
<tr>
<td>Robert M. Hale</td>
<td></td>
</tr>
<tr>
<td>Sophia Hawes-Tingey</td>
<td></td>
</tr>
<tr>
<td>Phil Jankovich</td>
<td></td>
</tr>
<tr>
<td>Mont L. Millerberg</td>
<td></td>
</tr>
</tbody>
</table>

**Council Member District #4 (4-Year Term)**

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wayne L. Sharp</td>
<td></td>
</tr>
<tr>
<td>Andrew Stoddard</td>
<td></td>
</tr>
<tr>
<td>Bryant Brown</td>
<td></td>
</tr>
<tr>
<td>Stephanie Johnson</td>
<td></td>
</tr>
</tbody>
</table>

Section 3.  The following candidates have qualified by number of votes to be listed on the ballot for the Municipal General Election to be held November 7, 2017:
Section 4. The Election Officer (City Recorder) shall furnish a certified copy of this resolution and a certified copy of the Election Results Report to the Lieutenant Governor’s Office within fourteen days following the Municipal Primary Election.

Section 5. The Election Officer (City Recorder) is directed to publish a copy of the certified report in a newspaper with general circulation in the City and post it in a conspicuous place within the City.

Section 6. This Resolution shall take effect immediately.

PASSED AND APPROVED by the Board of Municipal Canvassers of Midvale City, Utah this 29th day of August, 2017.

JoAnn B. Seghini, Mayor

ATTEST: Voting by the City Council

<table>
<thead>
<tr>
<th></th>
<th>“Aye”</th>
<th>“Nay”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephen Brown</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Glover</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Quinn Sperry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Paul Hunt</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wayne Sharp</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Rori L. Andreason, MMC
City Recorder/HR Director
SUBJECT:

Action Item - Rezone request from Single-Family Residential to Single-Family Residential with a Duplex Overlay (SF-1 to SF1/DO) located from 7575 South – 7601 South 700 East

Proposed Ord. No. 2017-O-12

SUBMITTED BY:

Matt Hilderman, Associate Planner

SUMMARY:

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.

In order for this development to proceed as proposed, the following approvals are required from the City:

1. A rezone of the entire property from SF-1 to SF1/DO.
2. Approval of a Conditional Use Permit for any proposed Master Planned Development.
3. Preliminary and Final Site Plan approval that complies with the requirements of the SF1/DO development standards.
4. Preliminary and Final Subdivision Plat approval for individual ownership of each unit and to allocate the common/limited-common areas of the proposed subdivision.

General Plan and 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 for 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;
- 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.

Planning Commission Recommendation

On July 12, 2017, this application was presented before the Planning Commission at their regularly scheduled meeting. During discussion and review of this application, including citizen testimonies, the Commission heard concerns related to; an increase in density for this area; use of the existing irrigation ditches/canals and water rights; and the amount of high-density users vs. single-residential users. After further discussion and review, the Commission forwarded a positive recommendation concerning the rezone request with the following motion:

“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).”

A roll call vote was taken with a unanimous vote of 3-0.

City Council Public Hearing

On August 1, 2017, this application was presented before the City Council at their regularly scheduled meeting. During discussion and review of this application, including citizen testimonies, the Commission heard concerns related to: location of new townhomes as related to the adjacent properties; no ample parking available in development; no off-street parking available along 700 East; water rights concerns; loss of privacy and view shed; increase in traffic; multifamily development not wanted in this area along 700 East; these properties are surrounded by single-family dwellings and zoning; is there a maximum saturation of duplex overlays; and the relationship between an economic benefit vs. a civic benefit.
Adoption of an ordinance is required for all rezones. If the City Council decides to approve the rezone as requested, an ordinance has been prepared to accomplish this, proposed Ordinance No. 2017-O-12.

**FISCAL IMPACT:** N/A

**STAFF RECOMMENDATION:**

In reviewing this application and the above criteria, the City Council shall consider the appropriateness of this rezone request, consider all appropriate and applicable input received and determine a final decision on this legislative change request.

**RECOMMENDED MOTIONS:**

Option 1:

“Based on the development patterns in the area, the configuration of the property, and the Planning Commission’s recommendation, I move we adopt Ordinance No. 2017-O-12, rezoning approximately 1.16 acres of property 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), as specifically described in the ordinance.”

Option 2:

“I move that we deny the request to rezone the properties located between 7575 South – 7601 South 700 East for the following reasons:

1. . . .
2. . . .
3. . . .”

Option 3:

“I move that we table a decision on this request to rezone until [September 5, 2017; September 19, 2017] giving [the applicant / staff] an opportunity to bring back the following information:

1. . . .
2. . . .”

**Attachments:**

- Vicinity Map
- Applicant Submittal
- Proposed Conceptual Plan
- General Plan Land Use Map
- Zoning Map
- Ordinance No. 2017-O-12
MIDVALE CITY
Department of Community Development
7505 South Holden Street, Midvale City, Utah 84047
Phone: 801.567.7231 * www.midvalecity.org

REZONING APPLICATION

Applicant Information

Name: BRIAN McMULLIN
Business Name (if applicable):
Mailing Address: 171 W. INNSBRUCK LN.
City, State, Zip: MIDWAY, UT 84049
Daytime Phone: 801-693-0992 Email: BRIAN McMULLIN 2G EMMA

Property Owner Information

Owner Name (if different): EMogene BERRETT
Mailing Address: 2389 N. 750 W.
City, State, Zip: OGDEN, UT 84404
Daytime Phone: 801-430-2140

Project Information

Property Address: 7675 S. 700 E., MIDVALE UT 84047 Sidewell No.:
Current Zoning Classification: SF-1 Proposed Zoning Classification: SF-2
What is the proposed use if the property is rezoned? TO BUILD TWIN HOME UNITS

Does the proposed zoning change comply with the Midvale City General Plan? □ Yes □ No

Application Fees

$665 for 1 acre or less $765 for 1-5 acres $865 for over 5 acres

Authorized Signature

I certify that the submitted information is true and correct to the best of my knowledge. I am aware that only complete applications will be accepted for processing. (Complete application requirements are attached.)

Authorized Signature: Date: 6-8-17

Note: Rezoning a property does not eliminate the necessity of obtaining a business license, conditional use permit, site plan approval, subdivision approval, or a building permit (if applicable). Please contact the appropriate Midvale City Departments regarding all new businesses or construction.
REZONING APPLICATION

Applicant Information

Name: Brian McMullin

Business Name (if applicable): 

Mailing Address: 111 N. Innsbruck Ln.

City, State, Zip: Midway, UT 84049

Daytime Phone: 801-633-0992 Email: BrianMcMullin2@gmail.com

Property Owner Information

Owner Name (if different): Teresa Hendricks

Mailing Address: 7601 S. 700 E.

City, State, Zip: Midvale, UT 84047

Daytime Phone: 

Project Information

Property Address: 7601 S. 700 E., Midvale UT 84047  Sidewell No: 

Current Zoning Classification: SF-1 Proposed Zoning Classification: SF1-D0

What is the proposed use if the property is rezoned? To build twin home units

Does the proposed zoning change comply with the Midvale City General Plan? □ Yes □ No

Application Fees

$665 for 1 acre or less $765 for 1-5 acres $865 for over 5 acres

Authorized Signature

I certify that the submitted information is true and correct to the best of my knowledge. I am aware that only complete applications will be accepted for processing. (Complete application requirements are attached.)

Authorized Signature: [Signature] Date: June 14th, 2017

Note: Rezoning a property does not eliminate the necessity of obtaining a business license, conditional use permit, site plan approval, subdivision approval, or a building permit (if applicable). Please contact the appropriate Midvale City Departments regarding all new businesses or construction.
Early in the planning process, the planning team identified fifteen distinct Midvale neighborhoods to acknowledge the City’s variety and diversity. The identification of distinct neighborhoods also facilitated conversations about present Midvale and the City’s future at a scale that was meaningful to City residents and stakeholders. Maps were prepared for each neighborhood showing current land uses, public facilities, transportation systems and other features that establish the character of each neighborhood. The maps also showed areas in each neighborhood where little change is anticipated in the foreseeable future, and areas where market forces, increased land values and opportunities for redevelopment of under-utilized land are likely to bring about changes in land uses. For the purposes of this Land Use Element, areas of little anticipated change in the City have been characterized as Stability Areas. Areas where changes in land uses are anticipated in the foreseeable future are characterized as Opportunity Areas. Map 8 shows Stability Areas in base colors and nine Opportunity Areas with plum and blue shading.

The planning team sought suggestions and ideas from neighborhood residents and business owners about attributes of the neighborhoods they would like to preserve and enhance, and the kinds of changes they would like to see in under-utilized areas. That input was used to develop descriptions of desired future conditions and land uses in each neighborhood.

Within several of the shaded Opportunity Areas there are relatively stable residential neighborhoods where little change internal to the neighborhood itself is expected. However, new development along major streets and in areas of underutilized properties is expected in the future. In these areas, measures to protect and enhance the livability of stable residential neighborhoods should accompany the anticipated change.

1 The plum and blue colors are for illustrative purposes only.
**Future Land Use**

For most of the areas of Midvale, the current land uses, current zoning and future land uses are substantially similar. In Stability Areas the current overall land-use mix is desirable, and preservation of these areas’ character and function is the desired future condition. These areas are nearly fully developed and have little foreseeable change in the types or intensity of land uses in the future. In Opportunity Areas, minor-to-major changes in current land uses are likely to occur due to market forces, increasing land values and opportunities to optimize land uses to take advantage of transit and other public investments. Projects in Opportunity Areas are anticipated to be at higher levels of density than current land uses and should be carefully planned and designed to integrate into the fabric of the area and minimize impacts on adjacent and nearby existing land uses. Future proposed uses in the Opportunity Areas may or may not be consistent with current zoning, and the desirability of the proposed use and the need for re-zoning should be evaluated on a case by case basis.

**STABILITY AREAS**

Most of the land in Midvale is in areas of relative stability where little significant change in either the types or intensities of land uses is anticipated in the foreseeable future. Stability Areas are characterized primarily by residential neighborhoods with schools, parks, churches and other public facilities. Many Stability Areas abut existing commercial areas and Opportunity Areas, and some are within the exterior boundaries of Opportunity Areas as shown in Map 8.

**Goals:**
The land use goals for 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 for 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
Residential Development and Housing

Vision: Midvale provides a variety of diverse, high quality housing stock that incorporates a range of housing forms and densities that appeal to new and existing residents at different income levels and life stages while retaining the character and form of established neighborhoods.

One of Midvale's goals is to ensure its residential development and housing is safe, supports community functions, is efficiently served by infrastructure, provides a diversity of types and affordability, and enhances residents' quality of life. Much of the quality of life of a community is connected to the character of its housing. The image of the City is to a large degree conveyed by the type, quality, and appearance of its residential developments and neighborhoods. Midvale's housing mix is influenced by many factors, including existing land uses and transportation patterns, market forces, and the City’s zoning and land use regulations.

Midvale's housing mix is integrally tied to its economics and influences the jobs and businesses that can be attracted to and sustained by the City. Successful commercial developments depend on the close proximity of enough residents to support them. It is of the utmost importance to Midvale's financial well-being that residential development in the community is attractive, diverse, and desirable. This can be achieved by supporting excellence in design and high quality construction. The value of trees and other landscaping in residential developments cannot be overemphasized.

Goals:

Midvale has a number of stable residential areas and attractive new residential developments. The General Plan goals focus on building on that foundation and encouraging excellence in design and diversity of housing types for new residential development. Residential Development and Housing goals include:

1. Maintain and strengthen stable neighborhoods. This 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.
5. Encourage higher density residential in appropriate locations in Opportunity Areas to create the market needed for viable commercial development.
6. Continue to encourage a variety of housing types, sizes and pricing with new developments.

Best Practice

Scale and Density Transitions: Transitions in scale and density within residential areas should be gradual. Sharp distinctions in scale and density on different sides of a street typically should be avoided. Identifiable edges should be defined by natural features, transitions in development density, and/or changes in building style, scale, buffering, or massing.

(Salt Lake County Township General Plan: 109)
ORDINANCE NO. 2017-O-12

AN ORDINANCE REZONING APPROXIMATELY 1.16 ACRES OF PROPERTY LOCATED BETWEEN 7575 SOUTH – 7601 SOUTH 700 EAST FROM SINGLE-FAMILY RESIDENTIAL (SF-1) TO SINGLE-FAMILY RESIDENTIAL WITH A DUPLEX OVERLAY (SF1/DO); ALSO PROVIDING A SAVING CLAUSE AND AN EFFECTIVE DATE FOR THE ORDINANCE.

WHEREAS, pursuant to Sections 10-9a-501 through 10-9a-503 Utah Code, the City has authority to make and amend a zoning plan which divides the City into zoning districts and within those districts to regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land; and

WHEREAS, a request has been made for a change of zoning on the property described in Exhibit A; and

WHEREAS, the Planning Commission held a public hearing on July 12, 2017, which meeting was preceded by notice of publication in the Salt Lake Tribune and Deseret News, on June 28, 2017, to review the request for rezone; and

WHEREAS, the Planning Commission held a public meeting on July 12, 2017 to review the requested information and written public comments, and, after considering all of the information received, made a recommendation thereon to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on August 1, 2017, which meeting was preceded by notice by publication in the Salt Lake Tribune and Deseret News, on July 18, 2017; and

WHEREAS, after taking into consideration citizen testimony, planning and demographic data, the desires of the owners of the property and the Planning Commission’s recommendation as part of its deliberations, the City Council determined the rezoning of said property is appropriate, is consistent with the Midvale City General Plan, promotes the health and general welfare of the City, is compatible with the surrounding neighborhood, and fulfills the needs of the City as a whole.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Midvale City, Utah as follows:

Section 1. The zoning ordinance which sets forth the zone districts within Midvale City which portion of the said zoning ordinance is established by a zoning map, is hereby amended as follows:

The properties (Parcel No’s. 22-29-304-006; and 22-29-304-007) described in Exhibit A attached hereto and by this reference made a part hereof, which properties are located between 7575 South – 7601 South 700 East, Midvale, Utah, and is currently zoned Single-Family Residential (SF-1) shall be zoned Single-Family Residential with a Duplex Overlay (SF1/DO).
ZONING PRIOR TO EFFECTIVE DATE OF THIS ORDINANCE:
Single-Family Residential (SF-1)

ZONING AFTER EFFECTIVE DATE OF THIS ORDINANCE:
Single-Family Residential/Duplex Overlay (SF1/DO)

Section 2. If any part of this ordinance or the applications thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

Section 3. This ordinance shall be effective upon publication of a summary thereof.

PASSED AND APPROVED this ____ day of ______________, 2017.

________________________________________
JoAnn B. Seghini, Mayor

ATTEST:

__________________________
Rori Andreason, MMC
City Recorder

Date of first publication: ______________

Voting by City Council

<table>
<thead>
<tr>
<th></th>
<th>“Aye”</th>
<th>“Nay”</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stephen Brown</td>
<td>_____</td>
<td></td>
</tr>
<tr>
<td>Paul Glover</td>
<td>_____</td>
<td></td>
</tr>
<tr>
<td>Quinn Sperry</td>
<td>_____</td>
<td></td>
</tr>
<tr>
<td>Paul Hunt</td>
<td>_____</td>
<td></td>
</tr>
<tr>
<td>Wayne Sharp</td>
<td>_____</td>
<td></td>
</tr>
</tbody>
</table>
“EXHIBIT A”
(Ordinance No. 2017-O-12)

REZONE APPROXIMATELY 1.16 ACRES OF PROPERTY LOCATED BETWEEN 7575 SOUTH – 7601 SOUTH 700 EAST FROM SINGLE-FAMILY RESIDENTIAL (SF-1) TO SINGLE-FAMILY RESIDENTIAL WITH A DUPLEX OVERLAY (SF1/DO):

Legal Descriptions

Parcel #22-29-304-006
BEG 1121.65 FT S FR W 1/4 COR SEC 29, T 2S, R 1E, S L M; S 74.9 FT; E 16 RDS M OR L TO CANAL; N'LY ALG SD CANAL TO A PTDUE E OF BEG; W TO BEG. 0.41 AC 4080-0110

Parcel #22-29-304-007
COM 80 RD N FR SW COR SEC 29 T 2S R 1E SL MER N 7.5 RD E 16 RD S 7.5 RD W 16 RD TO BEG 0.75 AC 5355-1011 5566-1957 5619-1833 6334-0495 8389-3845,3848,3850