



**MIDVALE**

In the Middle of Everything

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

**22nd Day of February, 2017**  
**Council Chambers**  
**7505 South Holden Street**  
**Midvale, Utah 84047**

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***COMMISSION CHAIR:*** Kass Wallin

***PLANNING AND ZONING  
COMMISSION VICE CHAIR:*** Richard Judkins

***BOARD MEMBERS***  
Colleen Costello  
Shane Liedtke  
Evan Hanson

***STAFF:*** Lesley Burns, City Planner  
Phillip Hill, Assistant City Manager/Director, CD  
Nicole Selman, DCD 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

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

## ACTION ITEM

### **1. TXT-17-01; TEXT AND MAP AMENDMENT TO REDUCE BUILDING HEIGHTS AND DENSITIES WITHIN THE TRANSIT ORIENTED DEVELOPMENT (TOD) ZONE AND CREATE A NEW TOD OVERLAY; CITY STAFF (APPLICANT) (CONTINUED FROM 02/08/17 MEETING)**

Mr. Hill presented that following the Public Hearing on February 08, 2017, the Planning Commission directed staff to provide the following:

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

Included below is a synopsis of the maximum heights and densities allowed in surrounding jurisdictions. A copy of the actual text is included as an attachment.

City	Maximum Height (stories)	Maximum Density (du/ac)
Draper	4	35
South Jordan (I-15)*	20	Negotiated with City Council
South Jordan (town centers)*	5	Negotiated with City Council
Murray***	5+	Unlimited
Sandy	Planned as an area	Planned as an area
South Salt Lake	Planning Commission above 4	Unlimited

\*One development approved at 17.8 du/ac; another at 52.8 du/ac  
\*\*One development approved at 36.2 du/ac  
\*\*\*Height may increase 1 foot for every foot beyond 100 feet from the nearest residential zone district

Also included as attachments are the maps requested, and two written appeals. The first appeal is from the owners of the parcel located at 7300 South and 300 West. The appeal requests that this parcel be included in the 7200 South TOD Overlay. The second appeal is from ICO Multifamily Holdings, owners of the Applewood Mobile Home Park. Their appeal requests that the Planning Commission consider increasing the TOD density from 25 to 35 dwelling units per acre, allowing for 4 stories rather than 3 as is allowed in the RM-25 zone, and counting roads, railroads and the like in the residential buffer calculations.

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## Original Staff Report

The amendment before the commission would amend the current TOD zone, reducing the maximum allowable height from 7 stories to 3 stories and reducing the maximum allowable density from approximately 100 residential dwelling units per acre to 25 residential dwelling units per acre. Also, as part of this amendment, a new TOD Overlay zone that could be applied to properties within the TOD zone through a rezone process would be created, allowing up to 85 residential dwelling units per acre and a maximum allowable height of 7 stories. Through discussions with the Commission on how these two zones would be applied, staff has drafted a map for each TOD area reflecting boundaries for the TOD and TOD Overlay zones at the request of the Commission.

These boundaries are not final and may be amended by either the Commission or the City Council as a part of this process.

Any properties zoned TOD with the final action of the City Council will be eligible for a rezone to the TOD Overlay zone through a rezone process involving public hearings with both the Planning Commission and City Council. As a part of the rezone process, a development agreement will be required between the city and the developer to memorialize site plan approvals and any conditional use permit approvals. The rezone and development agreement would be approved at the same City Council meeting and any requested changes to the project would be required to go back before the approving bodies. Any parcel zoned TOD Overlay through this process will be afforded all of the applicable development rights of that zone without need for a rezone process. It should be noted that whether a rezone is necessary or not, the developer will be required to enter into a development agreement with the City.

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

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

- TOD
  1. Single Family clean up (setbacks [porches, garages front setback], parking, accessory structures)
  2. Fencing height and materials adding access management to multi-family
  3. Removal of street accessed garage requirement; not practical

4. Clarifying that recreation amenities are not a requirement of commercial development
- TOD Overlay
    1. Residential open space 30% (TOD up to 40%)
    2. No changes to setbacks or buffering standards

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission forward a positive recommendation to the City Council amending the TOD zoning ordinance, adopting the TOD Overlay zone and amending the City Zoning Map.

Mr. Judkins stated he agreed with Option B. If you look at 7200 South, there is currently some commercial property located along that road as well as a TRAX line to the far east of the road. There is also a very small parcel with some storage units. He feels that parcel should be included in the overlay zone.

Mr. Hill explained the parcel Mr. Judkins is referring to was excluded from the overlay because it shares an immediate boundary with a single- family residential zone.

Mr. Judkins commented that he sees an issue with the Applewood property. That piece of property is landlocked with regards to access. The only road that it has access to is small with limited residential use. Considering the maximum density provided by the overlay, he would prefer to see this property not be included in the overlay because it could potentially have a major impact on the surrounding residential properties.

Mr. Liedtke agreed with Mr. Judkins.

Mr. Judkins noted that after reviewing the map of the 7800 South area he concluded that he likes what is being proposed, however, he does not believe some of the properties on the map should necessarily be removed from the overlay. There are already existing developmental limitations due to the size of those properties. It makes more sense to allow developers to have a little more flexibility when deciding what they wish to develop. He added that he does not agree with digressing from the Conditional Use process. The Conditional Use process is important in ensuring the ordinances are being represented and interpreted correctly. His final comment was that the General Plan identifies both a need and a desire for high density areas within Midvale City. The economics of the market will determine if those areas are fulfilled by apartments, condos, or townhomes. There have been numerous public comments that indicate a common assumption among residents that apartments attract crime. The facts reported by Unified Police to the Planning Commission in the past has proven that assumption to be untrue.

Mr. Hanson thanked Mr. Judkins for his comments, however, he disagrees on one point. He believes the properties around 7800 South should not automatically be brought into the overlay. There should be a rezone process to include those properties in the overlay.

Mr. Wallin asked the Commissioners if they are all comfortable with allowing the rail lines to count as a buffer.

Mr. Hanson replied that allowing the rail lines to count as a buffer is a very creative way for the developer to construct a larger structure within a smaller area. Nobody else will benefit from that allowance.

Mr. Liedtke countered that he understands why a developer would want to count the rail line as a buffer and that the idea makes sense to him.

Mr. Judkins added that the point of a buffer is achieved even when the rail line is counted as part of the buffer. He is comfortable with allowing the rail line to count as a buffer.

Mr. Hanson retorted that a buffer should provide a reasonable amount of usable open space. A TRAX line does not conform to his definition of usable open space.

Mr. Hill explained that the zoning ordinance can require a buffer and/or a residential landscape buffer. A buffer is meant to ensure there is a specific amount of distance between two different types of structures. A residential landscape buffer is meant to ensure there is a specific amount of distance between two structures and that there is some aesthetically pleasing landscaping within that space. If these concepts are applied to a property such as the Applewood parcel, then the distance between the structures is still there. There is still a reasonable amount of space left to offset the possible impacts of varying structure types that are adjacent to each other.

Mr. Liedtke stated he can see how both sides of this issue makes sense, however, he is more inclined to leave the text the way it is currently written.

The Commissioners discussed their desire to create balance in streamlining the development process while at the same time protecting existing residents. They reviewed the options for each area of the TOD zone and worked together to determine which options were the most appropriate for each area.

**MOTION:**

Mr. Judkins moved that, *“I move that we forward a positive recommendation to the City Council amending the TOD zoning ordinance, adopting the TOD Overlay zone and amending the City Zoning Map as follows:*

1. *Center Street Map A.*
2. *7200 South Map B.*
3. *TOD amended text as presented.*
4. *TOD Overlay text as presented.*

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

Mr. Hanson Yes  
Ms. Costello Yes

Mr. Judkins Yes  
Mr. Liedtke Yes

Motion carried unanimously.

## **PUBLIC HEARING**

### **2. TXT-17-02; TEXT AMENDMENT TO AMEND THE LANGUAGE FOR REAR SETBACKS IN THE STATE STREET COMMERCIAL (SSC) ZONE; CITY STAFF (APPLICANT)**

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

- Section 17-7-7.4 (A) does not include any language regarding side setbacks. It is implied that there are no side setback standards unless required by other standards, i.e. a landscape buffer when adjacent to residential development or by the Building Code. Staff is proposing to add language that specifically states this, so there is no question what is expected.
- The required rear setback for buildings is 20 feet regardless of the adjacent use. Staff is proposing to eliminate the rear setback requirement, except where it is required by other code standards, i.e. a landscape buffer when adjacent to residential development or by the Building Code. This will provide for additional developable area on commercial properties as long as it is not adjacent to residential development. When adjacent to residential development, new commercial development is required to provide a 30 foot residential landscape buffer (Section 17-7-7.7 (I)). This requirement would remain.

The Midvale City General Plan 2016 includes a future land use goal for the North, Middle and South State Street Opportunity Areas to support the redevelopment of underutilized parcels, (p. 51-53 Midvale City General Plan 2016). This proposed amendment is a small step in moving towards this goal, while not impacting adjacent existing residential uses. It would also make the setback language in the State Street Commercial Zone consistent with the Clean Industrial Zone, which was changed in 2010.

### **STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission forwards a positive recommendation to the City Council to amend the rear setback language in the State Street Commercial (SSC) Zone as included in the attachment to the staff report.

There were no questions for Staff.

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

Lorene Butler, 70 West 7500 South, Midvale, asked if setbacks are the same as buffers.

Ms. Burns stated they are not the same.

Ms. Butler asked if a setback is the amount from the road back and is the rear setback the same way, which is being cut out right now for the residential and things like that. She would like to know if a setback is like a buffer area.

Ms. Burns explained that a setback is the distance from property line to the building. When discussing the rear setback then that is a reference to the distance from the property line to the back of the building. The side setback is the distance from the property line to the side of the building.

Mike Bennett, 8274 South State Street, Midvale, explained that he owns commercial property in Midvale. He purchased the property with the intent of expanding the footprint of the building. After purchasing the property, he quickly learned that the setback requirements would make it impossible for him to expand his building the way he had hoped to. The rear of this property is right next to more commercial property. There are currently storage units located behind his building. He completely understands the need for a rear setback when a commercial property sits next to a residential property. This change will not affect residential properties, however, it will allow him to expand the size of his building which is desperately needed.

There were no further questions or comments from the public.

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

The Commissioners agreed that this item is both sensible and clear cut. There was no further discussion.

#### **MOTIONS:**

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

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

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

Motion carried unanimously.

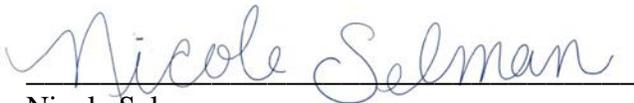
**MINUTES**

**3. REVIEW AND APPROVE MINUTES OF JANUARY 11, 2017; JANUARY 27, 2017;  
AND FEBRUARY 8, 2017**

The minutes of January 11, 2017; January 27, 2017; and February 8, 2017 were tabled to the next meeting.

**ADJOURN:**

Mr. Judkins moved to adjourn at 7:53 PM.

A handwritten signature in blue ink that reads "Nicole Selman". The signature is written in a cursive style and is positioned above a horizontal line.

Nicole Selman  
CD Administrative Assistant