



7505 S Holden Street
Midvale, UT 84047
801-567-7200 ext. 1022
Midvale.Utah.gov

**Midvale Planning Commission Meeting
Notice and Agenda
April 10, 2024
6:00 p.m.**

Public notice is hereby given that the Midvale City Planning Commission will consider the items listed below during their regularly scheduled meeting on Wednesday, April 10, 2024, at 6:00 p.m. This meeting will be held in person at Midvale City Hall, 7505 S Holden Street, Midvale, Utah or electronically with an anchor location at Midvale City Hall, 7505 S Holden Street, Midvale, Utah. The meeting will be broadcast at the following link: Midvale.Utah.gov/YouTube.

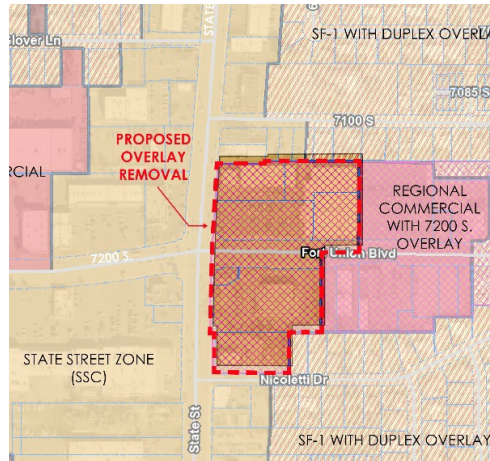
Midvale City Staff publishes a packet of information containing item specific details one week prior to the meeting at 6:30 p.m. on the [Planning Commission Agendas & Minutes](#) page. The QR code included on the right will also take you to this webpage.



Public comments for Public Hearing items may be done in person on the scheduled meeting date, submitted electronically on the Agendas & Minutes webpage, or by emailing planning@midvale.com by 5:00 p.m. on April 9, 2024 to be included in the record.

- I. Pledge of Allegiance**
- II. Roll Call**
- III. Minutes**
 - a. Review and Approval of Minutes from the March 13, 2024 Meeting.
- IV. Public Hearing**
 - a. Craig Schmitke requests approval of a Conditional Use Permit for a Vehicle Repair Use (Precision Automotive) to be located at 6906 S Cottonwood St in the Clean Industrial (CI) Zone. [*Jonathan Anderson, Planner II*]
 - b. Adam Paul requests a zone map amendment to add the Regional Commercial Residential Overlay Zone to a property located at 7001 S 900 E. Information regarding the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the rezone is adopted can be found in Midvale City Code 17-7-12.1. [*Wendelin Knobloch, Planning Director*]

- c. Mike Nielsen requests a determination on the height and material for an enclosure of an Outdoor Storage area for automobiles at 6941 S. River Gate Drive in the Bingham Junction/Riverwalk Overlay zone. *[Wendelin Knobloch, Planning Director]*
- d. Midvale City initiated Rezone request to remove the 7200 S Overlay from the northeast and southeast corners of State Street and Fort Union Blvd. See the image below. Information regarding the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the rezone is adopted can be found in the Midvale City Code. [17-7-7](#) is the State Street Commercial (SSC) zone, and [17-7-6](#) is the 7200 S Overlay Zone. *[Elizabeth Arnold, Senior Planner]*



- e. Midvale City initiated request to amend Sections 17-7-7.1, 17-7-7.4, 17-7-7.5, and 17-7-7.8 of the State Street (SSC) zone of the Midvale City Municipal Code. These changes encourage enhanced building frontages and increased activation of outdoor spaces. *[Elizabeth Arnold, Senior Planner]*
- f. Midvale City initiated amendment to Section 16.02.050(E) of the Midvale City Municipal Code. This amendment requires that private streets meet public street standards. *[Adam Olsen, Community Development Director]*
- g. Midvale City initiated amendment that creates Chapter 17-6 Supplementary Regulations within the Midvale Municipal Code. The effect of this amendment will be that Midvale City adopts the Jordan Valley Water Conservancy District Water Efficiency Standards. *[Wendelin Knobloch, Planning Director]*
- h. Midvale City initiated amendment to Sections 17-7-12.2, 17-7-12.5, and 17-7-12.7 of the Regional Commercial (RC) zone of the Midvale City Municipal Code. These changes remove Manufacturing, Outdoor Storage, and Warehouse/Distribution as uses in the zone and any associated references to them. *[Jonathan Anderson, Planner II]*

V. Staff Update/Other Business

- a. Election of Chair & Vice Chair.
- b. Upcoming Meetings and Projects.

VI. Adjourn

All meetings are open to the public; however, there is no public participation except during public hearings. Members of

the public will be given an opportunity to address the Commission during each public hearing item. The Commission reserves the right to amend the order of the agenda if deemed appropriate. No item will be heard after 9:30 p.m. without unanimous consent of the Commission. Items not heard will be scheduled on the next agenda. In accordance with the Americans with Disabilities Act, Midvale City will make reasonable accommodations for participation in the meeting. Request assistance by contacting the Community Development Executive Assistant at (801) 567-7211, providing at least three working days' notice of the meeting.

A copy of the foregoing agenda was posted in the City Hall Lobby, the 2nd Floor City Hall Lobby, on the City's website at Midvale.Utah.gov and the State Public Notice website at <http://pmn.utah.gov>. Commission Members may participate in the meeting via electronic communication. Commission Members' participation via electronic communication will be broadcast and amplified so all Commission Members and persons present in the Council Chambers will be able to hear or see the communication.

Any owners of real property affected by the proposed map amendment may file a written objection to the inclusion of the owner's property in the proposed map amendment with the Community Development Department no later than 10 days after the day of the public hearing. Each written objection filed will be provided to the City Council.



7505 South Holden Street
Midvale, UT 84047
Phone (801) 567-7200

Midvale City
PLANNING AND ZONING COMMISSION
Minutes
13th Day of March 2024
Council Chambers
7505 South Holden Street
Midvale, Utah 84047

COMMISSION CHAIR: Shane Liedtke

COMMISSION VICE CHAIR: Candice Erickson

COMMISSION MEMBERS: Dustin Snow
Michael Edwards
Robyn Anderson
Candace Tippetts
Matt Kasparian

STAFF: Adam Olsen, Community Development Director
Aubrey Ruiz, Community Development Executive Assistant
Aaron McKnight, Deputy City Attorney
Wendelin Knobloch, Planning Director
Elizabeth Arnold, Senior Planner
Jonny Anderson, Planner II
Juan Rosario, Systems Administrator

GENERAL SESSION

Chair Liedtke called the Planning & Zoning Commission meeting to order at 6:00 p.m. He explained how the meeting would proceed. First, the Planning Department would brief the Commission; then the applicant would speak to the Commission; the item will be opened to the public for their comments on public hearing agenda items; the Midvale Deputy City Attorney will then brief the Commission on their role on the given item; and then the Commission would deliberate and decide.

ROLL CALL

Chair Liedtke	Present
Vice Chair Erickson	Present
Commissioner Tippetts	Present
Commissioner Snow	Present
Commissioner Anderson	Present
Commissioner Edwards	Present
Commissioner Kasparian	Excused

MINUTES

1. REVIEW AND APPROVE MINUTES OF FEBRUARY 15, 2024.

MOTION: Commissioner Tippetts **MOVED** to approve the minutes of February 15, 2024. **SECONDED** by Commissioner Anderson. Chair Liedtke called for a voice vote. The motion was passed unanimously with all voting in favor.

2. REVIEW AND APPROVE MINUTES OF FEBRUARY 28, 2024.

MOTION: Commissioner Tippetts **MOVED** to approve the minutes of February 28, 2024. **SECONDED** by Commissioner Anderson. Chair Liedtke called for a voice vote. The motion was passed unanimously with all voting in favor.

PUBLIC HEARINGS

1. Midvale City initiated request to amend Sections 17-7-1.2 and 17-7-1.10 of the Single Family Residential-1 (SF-1) and create Section 17-7-1.2.1 of the Midvale City Municipal Code. This amendment proposes to streamline the review of many uses in the SF-1 zone and reorders portions of the text to make it easier to find the correct information.

Midvale City requests an amendment to the above-listed chapter of the Midvale City Municipal Code. The amendments requested are to the Use Table and the Conditional Use Standards of Review sections. Additionally, it creates a section titled Specific Review Criteria for Certain Allowed Uses.

Conditional Uses are required to be approved by the Planning Commission if the applicant has demonstrated that the detrimental effects of the proposed use have been mitigated with the standards that are set forth in the zoning ordinance. Because the standards set forth are objective, staff feels that it would be better if certain uses were

no longer conditional uses and instead were allowed uses within the zone provided that the use still meets the same criteria. As such, it is proposed that a new section be created that allows for this and some of the conditional uses are moved to this section. None of the criteria for the uses will change.

Public notice has been sent to affected entities as required in 17-3-9.B of the Municipal Code. No comments have been received as of the writing of this report.

Staff recommends approval.

APPLICANT:

No comment.

PUBLIC HEARING:

Chair Liedtke opened the public hearing.

No comment.

MOTION: Commissioner Tippetts MOVED to close the public hearing. The motion was SECONDED by Vice Chair Erickson. Chair Liedtke called for a voice vote. The motion was passed unanimously with all voting in favor.

DISCUSSION:

Aaron McKnight, Deputy City Attorney, clarifies this is a Legislative decision and the decision is up to the Planning Commission.

MOTION: Commissioner Tippetts MOVED that we recommend approval of the text amendment as provided in the attachments with the findings included in the

staff report with the. The motion was SECONDED by Commissioner Anderson. Chair Liedtke called for a roll call vote. The vote was as follows:

Chair Liedtke	Yes
Vice Chair Erickson	Yes
Commissioner Anderson	Yes
Commissioner Snow	Yes
Commissioner Tippetts	Yes

The motion passes unanimously.

PUBLIC HEARINGS

- 2. Midvale City initiated request to amend Sections 17-7-2.2 and 17-7-2.10 of the Single Family Residential-2 (SF-2) and create Section 17-7-2.2.1 of the Midvale City Municipal Code. This amendment proposes to streamline the review of many uses in the SF-2 zone and reorders portions of the text to make it easier to find the correct information.**

Midvale City requests an amendment to the above-listed chapter of the Midvale City Municipal Code. The amendments requested are to the Use Table and the Conditional Use Standards of Review sections. Additionally, it creates a section titled Specific Review Criteria for Certain Allowed Uses.

Conditional Uses are required to be approved by the Planning Commission if the applicant has demonstrated that the detrimental effects of the proposed use have been mitigated with the standards that are set forth in the zoning ordinance. Because the standards set forth are objective, staff feels that it would be better if certain uses were no longer conditional uses and instead were allowed uses within the zone provided that the use still meets the same criteria. As such, it is proposed that a new section be created that allows for this and some of the conditional uses are moved to this section. None of the criteria for the uses will change.

Public notice has been sent to affected entities as required in 17-3-9.B of the Municipal Code. No comments have been received as of the writing of this report.

Staff recommends approval.

APPLICANT:

No comment.

PUBLIC HEARING:

Chair Liedtke opened the public hearing.
No comment.

MOTION: Vice Chair Erickson MOVED to close the public hearing. The motion was SECONDED by Commissioner Snow. Chair Liedtke called for a voice vote. The motion was passed unanimously with all voting in favor.

DISCUSSION:

No comment.

MOTION: Vice Chair Erickson MOVED that we recommend approval of the text amendments as provided in the attachments, with the findings included in the staff report. The motion was SECONDED by Commissioner Snow. Chair Liedtke called for a roll call vote. The vote was as follows:

Chair Liedtke	Yes
Vice Chair Erickson	Yes
Commissioner Anderson	Yes
Commissioner Snow	Yes
Commissioner Tippetts	Yes

The motion passes unanimously.

PUBLIC HEARINGS

3. Midvale City initiated request to amend Sections 17-2-3 and 17-2-16 regarding Parking Lots. This amendment proposes parking time limits for certain vehicles.

Staff proposes amending definitions applying to several types of parking lots in the City. The proposed changes affect parking lot definitions in 17-2-3 and 17-2-16 of the Midvale Municipal Code; specifically, Commercial Parking Lots, Parking Lots, Parking Structures, and Private Parking Lots. The changes include the addition of the following language in each definition: “a vehicle may not be parked in a (commercial parking lot, parking lot, parking structure, private parking lot) for more than a total of 24 hours if the vehicle is inoperable, disassembled, dismantled, or in a state of disrepair”.

The proposed language will enhance the City’s ability to regulate and maintain parking lots by limiting their use for parking of inoperable vehicles. The change is needed to address issues of safety, stormwater contamination, aesthetics, and overall property values city-wide.

At their February 27th meeting, the City Council approved temporary land use regulations adopting the changes to the above stated parking lot definitions. The temporary land use regulations are in effect for 180 days or until the Council adopts official revisions to the Code, whichever occurs first. Upon approval, staff initiated public

notice for the standard process of adopting the revisions, beginning with Planning Commission. If the Planning Commission forwards a recommendation of approval to the City Council, final adoption of the amendments, through an ordinance, will occur.

Staff recommends approval.

APPLICANT:

No comment.

PUBLIC HEARING:

Chair Liedtke opened the public hearing.

No comment.

MOTION: Vice Chair Erickson MOVED to close the public hearing. The motion was SECONDED by Commissioner Tippetts. Chair Liedtke called for a voice vote. The motion was passed unanimously with all voting in favor.

DISCUSSION:

The Commissioners wanted to clarify that the amendment will help Code Enforcement regulate parking with more well-defined verbiage.

Commissioner Edwards wanted to ensure that there will be some leniency to residence and business owners as the change is implemented.

Adam Olsen, Community Development Director, affirms the Code Enforcement Officer will follow the normal procedures which allow a timeframe for cooperation before any action is taken against the violator.

Mr. McKnight states this is another administrative decision for the Commission to make.

MOTION: Commissioner Snow MOVED that we recommend approval of the amendments to definitions for Commercial Parking Lots, Parking Lots, Parking Structures, and Private Parking Lots under Midvale Municipal Code Sections 17-2-3 and 17-2-16, with the findings included in the staff report. The motion was SECONDED by Commissioner Anderson. Chair Liedtke called for a roll call vote. The vote was as follows:

Chair Liedtke	Yes
Vice Chair Erickson	Yes
Commissioner Anderson	Yes
Commissioner Snow	Yes
Commissioner Tippetts	Yes

The motion passes unanimously.

STAFF UPDATE/OTHER BUSINESS

- a. Upcoming meetings and Projects
 - i. Planning Commissioner Trainings
 - Friday, March 15, 2024
 - Monday, April 8, 2024
 - ii. The Fort Union Station Area Plan continues to move forward, and open houses continue to aid in the progression.
 - 1. An online survey will be out soon.
 - iii. The Station Area Plans have been submitted to WFRC for final certification.

ADJOURN

Vice Chair Erickson made the motion to adjourn 6:25 p.m. No one opposed. The meeting adjourned 6:25 p.m.

Aubrey Ruiz, CD Executive Assistant

Approved this ____ day of _____ 2024.



7505 S Holden Street
Midvale, UT 84047
801-567-7200
Midvale.Utah.gov

MIDVALE CITY PLANNING COMMISSION STAFF REPORT 04/10/2024

SUBJECT

Craig Schmitke requests approval of a Conditional Use Permit for a Vehicle Repair Shop to be located at 6906 S Cottonwood Street in the Clean Industrial Zone (CI).

SUBMITTED BY

Jonathan Anderson, Planner II

BACKGROUND AND ANALYSIS

The applicant requests a Conditional Use Permit for a Vehicle Repair Shop to be located at 6906 S Cottonwood Street. The existing building at the location and the parking areas/storage yard on parcels 6931 S 400 W and 6947 S 400 W will be utilized for business activities. See the site plan attachment for more information.

Public notice has been sent to property owners within 500 feet of the subject parcel; additionally, a sign was placed on the property and will remain until Planning Commission approval of the conditional use permit. At the time of writing this report, no public comment has been received.

Midvale Municipal Code 17-7-13.9(A) outlines the criteria necessary for a conditional use permit as follows (Staff responses in **bold**):

1. The application complies with all applicable provisions of this title, state and federal law;

Response: The application complies with the above-listed criteria.

2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;

Response: Only existing structures and parking lots will be utilized. Nearby structures consist of primarily commercial uses. The application complies with the above-listed criteria.

3. The use is not detrimental to the public health, safety and welfare;

Response: The application complies with the above-listed criteria.

4. The use is consistent with the general plan, as amended;

Response: The use is consistent with Midvale's General Plan.

5. Traffic conditions are not adversely affected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;

Response: The application was reviewed by Midvale City's Engineering Department and complies with the above-listed criteria.

6. Sufficient utility capacity;

Response: The application was reviewed by Midvale City's Engineering Department and complies with the above-listed criteria.

7. Sufficient emergency vehicle access;

Response: Emergency vehicle access was reviewed by the Unified Fire Authority and determined to be adequate.

8. Location and design of off-street parking as well as compliance with off-street parking standards provided for in Section [17-7-13.8](#);

Response: The application complies with the above-listed criteria and follows the provisions of the city ordinance for parking requirements.

9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;

Response: No concerns have been identified.

10. Compatibility of the proposed mass, bulk, design, orientation, and location of the structures on the site, including compatibility with buildings on adjoining lots and to the street;

Response: Only existing structures will be utilized. The application complies with the above-listed criteria.

11. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses; and

Response: No concerns have been identified.

12. Within and adjoining the site, impacts on the aquifer, slope retention, flood potential and appropriateness of the proposed structure to the topography of the site.

Response: The application was reviewed by Midvale City's Engineering Department and complies with the above-listed criteria.

STAFF RECOMMENDATION

Staff recommends the Planning Commission approve the Conditional Use Permit with the following finding:

1. The project complies with Midvale Municipal Code 17-7-13.9(A).

RECOMMENDED MOTION

"I move that we approve the Conditional Use Permit for a Vehicle Repair Shop at 6906 S Cottonwood Street, with the finding noted in the staff report."

ATTACHMENTS

1. Site Plan

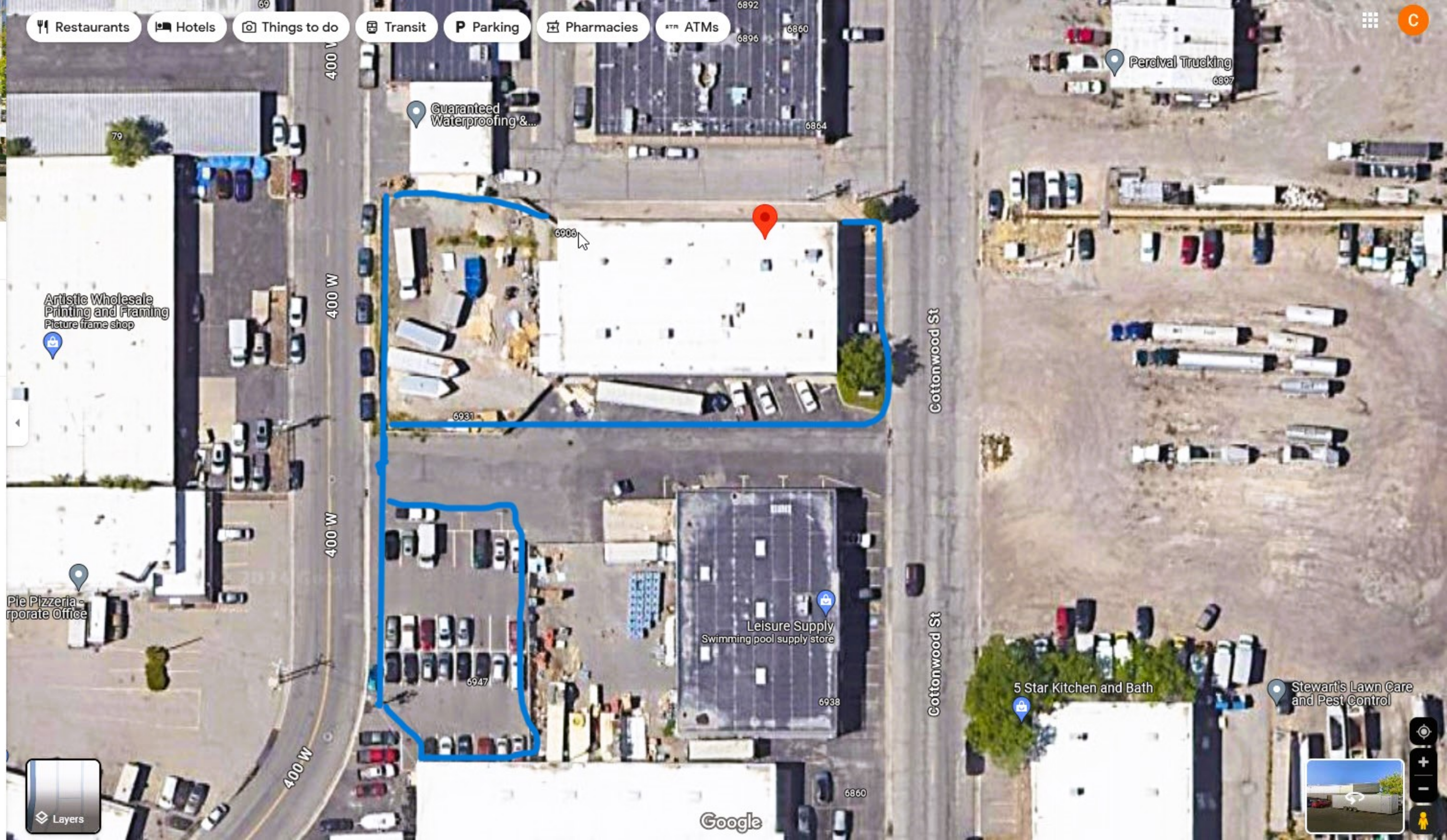


6906 S 300 W

- Directions
- Save
- Nearby
- Send to phone
- Share

- 6906 S 300 W, Midvale, UT 84047
- J3GX+FX Midvale, Utah
- Suggest an edit on 6906 S 300 W
- Add a missing place
- Add your business
- Add a label
- Your Maps activity

Photos



- Restaurants
- Hotels
- Things to do
- Transit
- Parking
- Pharmacies
- ATMs





7505 S Holden Street
Midvale, UT 84047
801-567-7200
www.MidvaleCity.org

MIDVALE CITY PLANNING COMMISSION STAFF REPORT 04/10/2024

SUBJECT

Adam Paul requests a Zone Map Amendment to add the Regional Commercial Residential Overlay Zone to a property located at 7001 S 900 E.

SUBMITTED BY

Wendelin Knobloch, Planning Director

BACKGROUND AND ANALYSIS

This application proposes to add the Regional Commercial Residential Overlay Zone (RCRO) to a 2.4-acre parcel zoned Regional Commercial (RC) that used to contain a medical office building until it burnt down on January 17, 2021. Originally, the item was placed on the March 13, 2024 Planning Commission agenda until the applicant withdrew it and made revisions to the concept.

The parcel is located on the eastern side of 900 E, one tenth of a mile north of the intersection with Fort Union Blvd. An insurance office borders the parcel to the north, a fast-food restaurant to the south, and the Essex Court Condominium community to the east.

A sign was placed on the property, the hearing was advertised at City Hall, on the City Website, on the Utah Public Notice website, and was sent out to property owners within 500 feet of the subject property. Considerable comment was received from neighbors who oppose the zone map amendment.

Midvale Municipal Code (MMC) Section 17-3-1(E) and the RCRO Zone (MMC 17-7-12.1.1) outline the criteria and required findings necessary for granting a zone map amendment as shown below, with bold sections added for emphasis; yellow sections are staff responses for the March 13, 2024 meeting, and green sections show staff responses that refer to the new concept for the April 10, 2024 meeting:

MMC Section 17-3-1(E): Amendments to the Zoning Code or Map

E. Criteria/Required Findings. The city's zoning is the result of a detailed and comprehensive appraisal of the city's present and future land use allocation needs. In order to establish and maintain sound, stable, and desirable development within the city, **rezoning of land is to be discouraged and allowed only under the limited circumstances herein described.** Therefore, the planning commission may

recommend, and the city council may grant, **a rezoning application only if it determines, in written findings, that the proposed rezoning is consistent with the policies and goals of the general plan** and that the applicant has demonstrated that the:

1. Proposed rezoning is necessary either **to comply with the general plan proposed land use map** or to **provide land for a community need** that was not anticipated at the time of adoption of the general plan;

Staff Response: While this zone map amendment is not necessary to comply with the 2016 General Plan because it is not included in the Fort Union Opportunity Area, it would contribute to the fulfillment of the community need for housing and commercial development through its residential component and stand-alone commercial structure shown in the concept plan.

Update 4/10/2024: The revised concept internalizes the commercial use into the main structure. The current zoning on the property, Regional Commercial (RC), allows for high intensity commercial development similar in massing and height to the structures allowed in the Regional Commercial Residential Overlay zone (RCRO).

2. Existing zoning was either the result of a **clerical error or a mistake of fact**, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, flood plain, unstable soils, and inadequate drainage; or

Staff Response: The existing zoning is well reasoned and does not represent a clerical error or mistake of fact.

3. **Land or its surrounding environs has changed or is changing** to such a degree that it is in the **public interest to encourage redevelopment** of the area or to recognize the changed character of the area.

Staff Response: This parcel of land has clearly changed due to the disastrous fire in 2021 and redevelopment is in the public interest, however, the concept may not be conducive to the specific goals set in the RCRO Zone as detailed below.

Update 4/10/2024: The revised concept addresses many of the concerns expressed in the first version of the staff report.

MMC 17-7-12.1.1 Regional Commercial Residential Overlay

To utilize the regional commercial residential overlay, it must be demonstrated the proposed development fulfills the following goals:

A. Provides critical mass necessary to help facilitate the transition of regional commercial shopping centers into vibrant mixed-use developments;

Staff Response: This parcel sits at the outer edge of the shopping center and may contribute to the overall health of the area, but it also has residential neighbors that are directly impacted by a high intensity use.

B. Creates a consistently high quality urban environment;

Staff Response: The attached concept plan is not binding and expresses the wishes of the applicant with a seven-story residential structure and a separate drive-through commercial use. The concept does not acknowledge the immediate presence of

residential neighbors to the east and its separated drive-through discourages walkability on this corridor.

Update 4/10/2024: The revised concept shows a structure with an altered footprint that internalizes 4500 square feet of commercial square footage into the southwestern corner of the building, omits the separated drive-through use and wraps 58 parking stalls around the building. Five 2-bedroom dwelling units and a leasing office complete the 900 West street frontage. The rear of the structure now includes parking and additional distance from the neighboring property.

C. Enhances the investment of those locating within the regional commercial zone;

Staff Response: This proposal may enhance the investment of the current neighboring businesses, but it does not contribute as much as it could to the enhancement of the corridor into the future and may negatively impact the investment of the residential neighbors to the east.

Update 4/10/2024: The revised concept moves the building further away from the eastern property line and introduces some commercial space on the main floor along 900 East.

D. Promotes economic development by increasing the utilization of existing parcels within current developments;

Staff Response: This proposal increases the utilization of the existing parcel because the previous development burnt down, and the parcel is currently vacant.

E. Eliminates large, underutilized surface parking areas by utilizing alternate parking methods, including but not limited to structured parking and shared parking;

Staff Response: This proposal internalizes the majority of the parking into the podium of the structure and lines the western elevation along 900 E with residential units, the north, east, and south, however, are not lined and present blank windowless walls. The concept plan, as presented, appears to be about 50 spaces short of the required 328 stalls for the residential structure.

Update 4/10/2024: The revised concept plan appears to come close to providing sufficient spaces for the residential and commercial uses, especially if shared parking is utilized.

F. Provides compatibility between residential and commercial uses to create a comfortable environment for both shoppers and residents; and

Staff Response: The monolithic nature of the structure shown on the concept plan does not acknowledge the residential environment to the east.

Update 4/10/2024: The revised concept introduces an additional 30-40 feet of setback between the building and the property line to the east.

G. Provides pedestrian connections within and among developments to support pedestrian activity in existing auto-oriented developments and encourages pedestrian movement. (Ord. 2016-07 § 1 (Att. A (part)))

Staff Response: The drive-through restaurant use negatively impacts walkability on the site and the overall design does not encourage pedestrian movement because the apartment building does not offer dedicated commercial space on the main floor.

Update 4/10/2024: The revised concept omits the drive-through restaurant use and adds 4,500 square feet of commercial space on the main floor. The commercial use and

the leasing office make up about 50% of the 900 W street frontage with the balance being depicted as 2-bedroom apartments.

STAFF RECOMMENDATION

This application can also be analyzed in context of the currently established RC zone on this parcel since both zones allow high intensity development. The current zone (RC) allows for a variety of uses that include offices, restaurants, retail, and hotels with a height of up to 75 feet.

The proposed RCRO zone allows multifamily and mixed-use developments at a height of 85 feet to the highest floor plate (with additional height allowance for the roof, elevator etc.) with a density cap of 85 units per acre. The concept plan shows a height of approximately 83 feet. Therefore, projects in either zone could be quite similar in their appearance, height, and massing.

If the Planning Commission believes that satisfying the community need for housing is the main consideration in this case and outweighs burdens associated with dense development, then, based on MMC 17-3-1 and 17-7-12.1.1, Staff advises that the Planning Commission recommend approval of the Zone Map Amendment.

If the Planning commission believes that adding the RCRO zone would result in burdens that are not outweighed by potential benefits of this zone change then, based on MMC 17-3-1 and 17-7-12.1.1, Staff advises that the Planning Commission recommend denial of the Zone Map Amendment.

Potential findings could be as follows:

1. The subject property does not need to be rezoned to comply with the 2016 General Plan.
2. The concept plan does/does not fulfill the specific goals the RCRO Zone sets for its application to a parcel of land, as shown in the staff report.

RECOMMENDED MOTION

I move that we recommend approval/denial of the Zone Map Amendment to add the Regional Commercial Residential Overlay Zone to a property located at 7001 S 900 E with the findings noted in the staff report.

ATTACHMENTS

1. Site Concept & Landscaping Concept
2. Updated Elevations & Massing Study
3. Public Comments

Midvale Fort Union Apts.
 Midvale, UT

SEAL

PROJECT #

DATE STATUS

PROJECT INFORMATION

SITE AREA: 102,495 SF = 2.35 ACRES
 BUILDING FOOTPRINT: 53,133 SF (Including 4,500 SF RETAIL)
 NUMBER OF STORIES: 7 STORIES ABOVE GRADE (~83')

ZONING INFORMATION

ZONE - REZONE TO REGIONAL COMMERCIAL RESIDENTIAL OVERLAY (RCRO)
 MAX DWELLING UNITS/ACRE 85 (2.35*85 = 200 UNITS ALLOWED)
 BUILDING HEIGHT LIMIT: 115'-0"
 FRONT SETBACK: 15'
 SIDE SETBACK: 0'
 REAR SETBACK: 0'

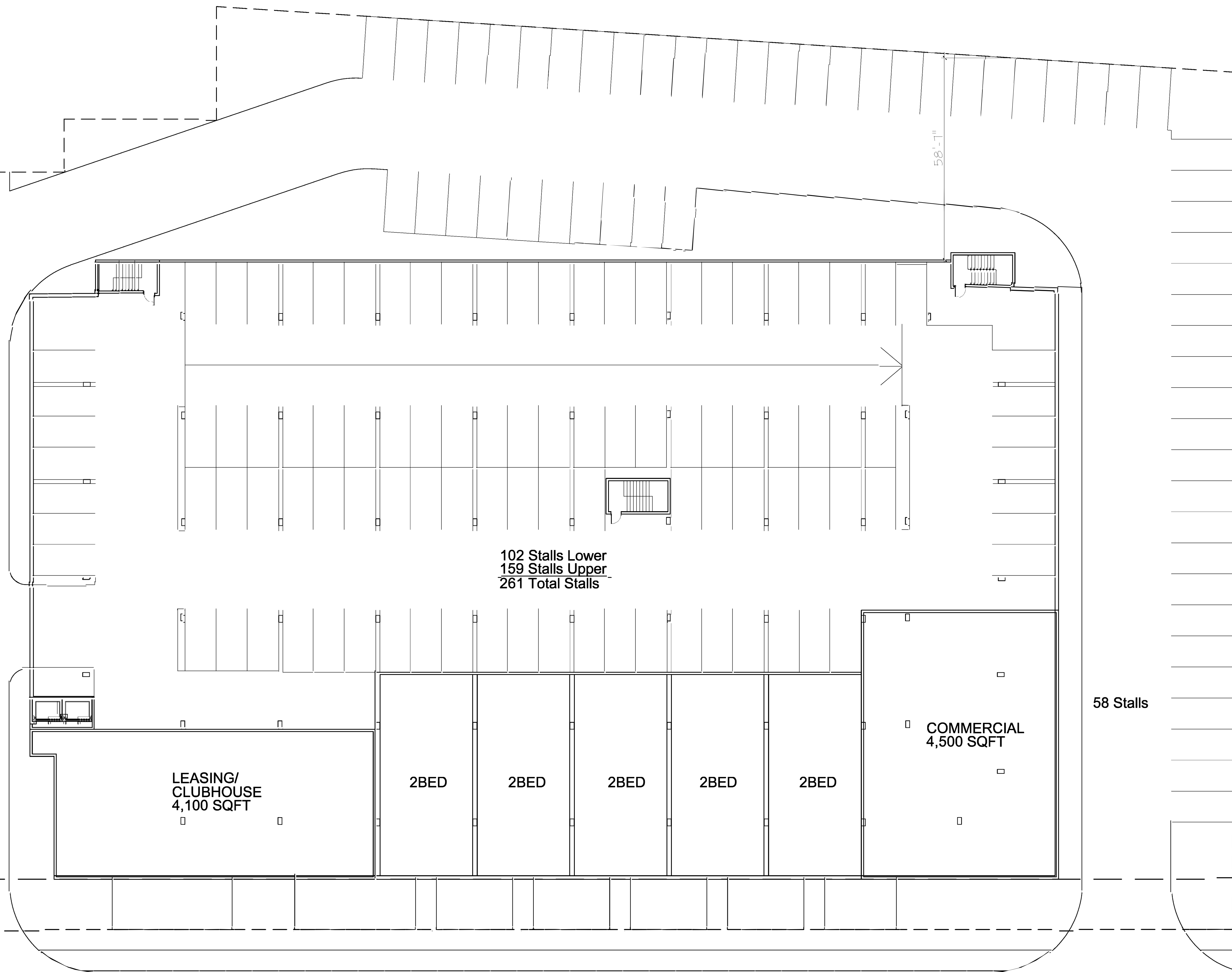
OPEN SPACE MIN. = 30% OF SITE (INCLUDING ELEVATED PLAZAS)

UNIT MIX:	STUDIOS	24 (12%)
	1-BEDS	112 (56%)
	2-BEDS	64 (32%)
	TOTAL	200

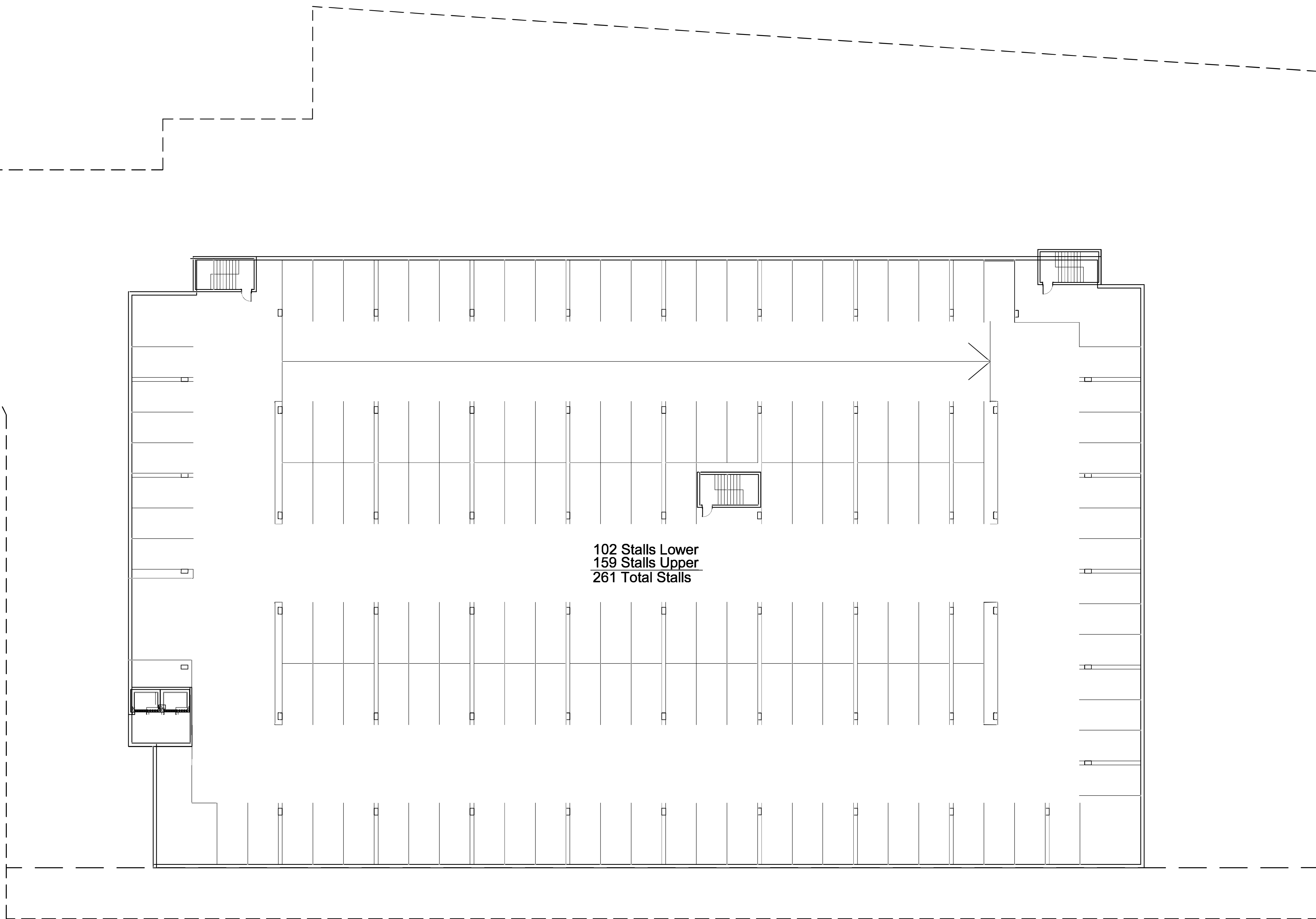
PARKING REQUIRED: STUDIOS & 1-BEDS = 1 STALL/UNIT
 2-BEDS = 2 STALLS/UNIT
 264 STALLS REQUIRED

PARKING PROVIDED: 267 (PARKING STRUCTURE)
 22 (SURFACE) **Drawing shows 58 STALLS**
 287 TOTAL PROVIDED

GUEST STALLS REQUIRED: 1 STALL/4 UNITS
 200 / 4 = 50 STALLS



Level 1 Plan
 Scale: 1/16" = 1'
 Mar. 14, 2024

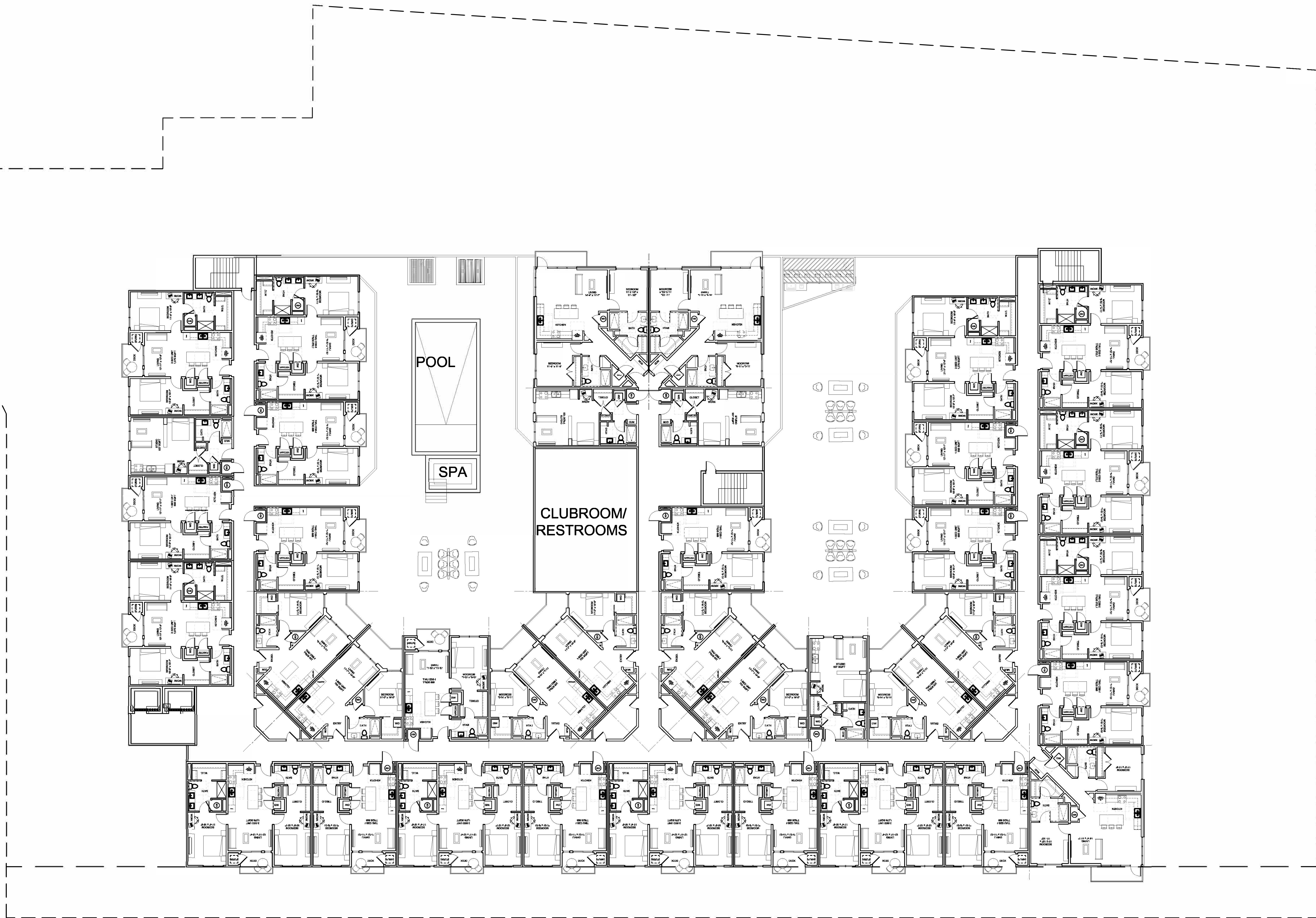


Level 2 Plan
 Scale: $\frac{1}{16}'' = 1'$
 Mar. 14, 2024

SEAL

PROJECT #

DATE STATUS



200 TOTAL UNITS (5 STORIES)

Level 3 Plan
 Scale: $\frac{1}{16}'' = 1'$
 Mar. 14, 2024

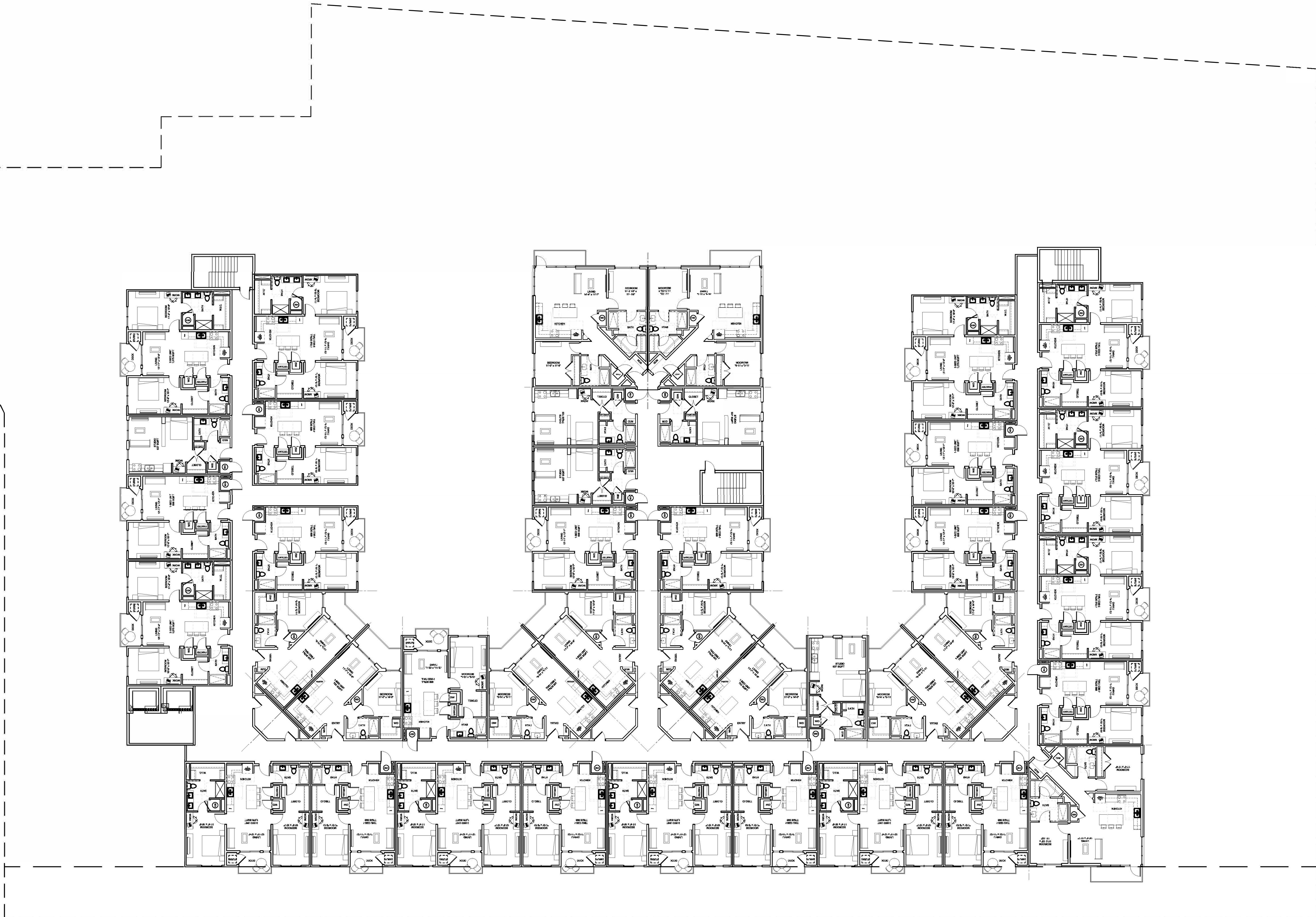
Midvale Fort Union Apts.
 Midvale, UT

FFKR ARCHITECTS
 730 Pacific Avenue · Salt Lake City, Utah 84104
 ☎ 801.521.6186 · FFKR.COM

SEAL

PROJECT #

DATE STATUS



Levels 4-6 Plan
 Scale: $\frac{1}{16}'' = 1'$
 Mar. 14, 2024

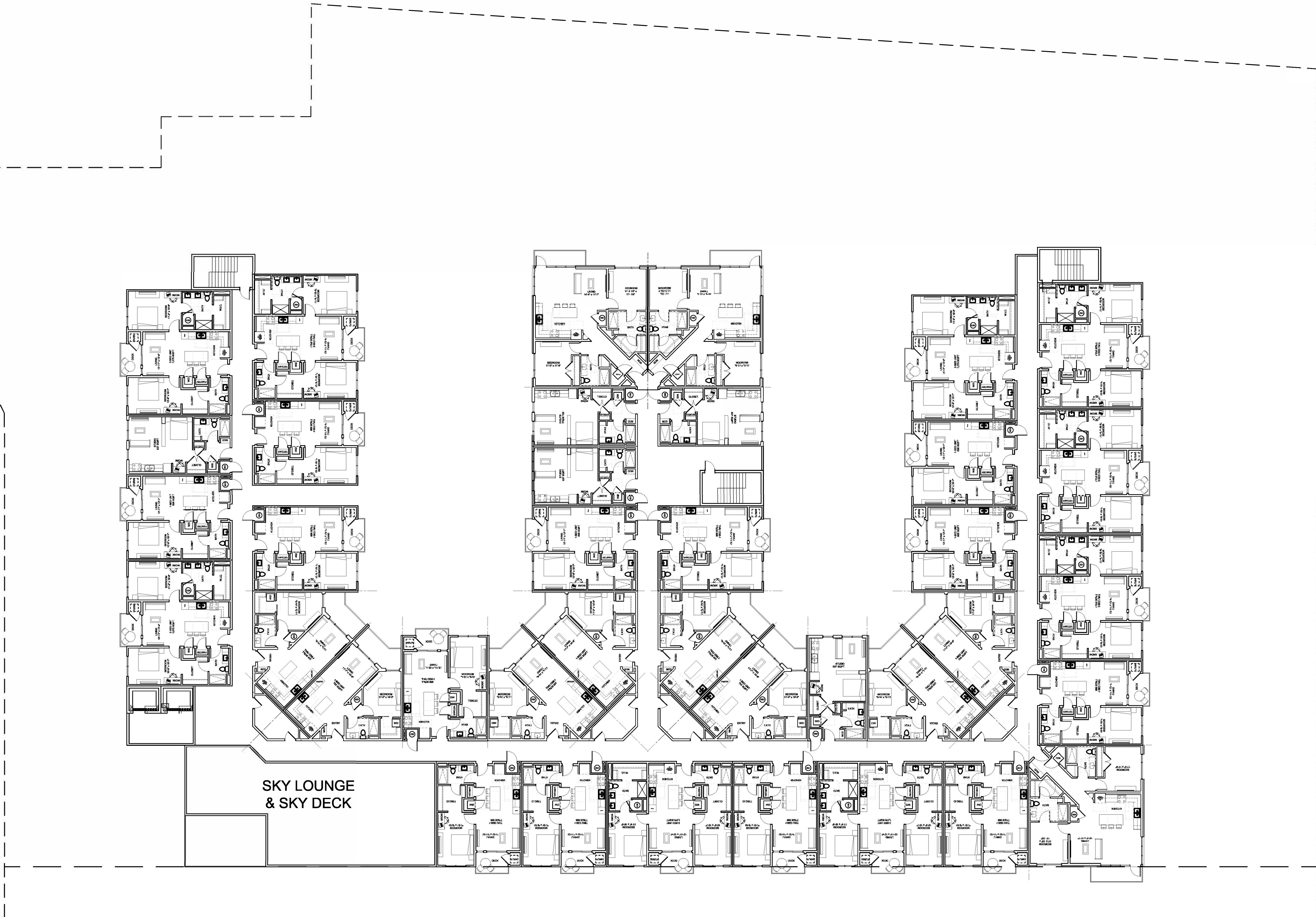
Midvale Fort Union Apts.
 Midvale, UT

SEAL

PROJECT #

DATE

STATUS



SKY LOUNGE
& SKY DECK

Level 7 Plan
 Scale: $\frac{1}{16}'' = 1'$
 Mar. 14, 2024

Midvale Fort Union Apts.
 Midvale, UT

SEAL

PROJECT #

DATE

STATUS



Landscape Plan
 Scale: $\frac{1}{16}'' = 1'$
 Mar. 14, 2024

Midvale Fort Union Apts.
 Midvale, UT

FFKR ARCHITECTS
 730 Pacific Avenue · Salt Lake City, Utah 84104
 ☎ 801.521.6186 · FFKR.COM

SEAL

PROJECT #	
DATE	STATUS

Essex Court Condominiums Homeowners Association
937 Essex Court Way Unit 5
(6955 South 900 East)
Midvale, Utah 84047

March 9, 2024

Subject: Public Comments against any Rezoning request and amendment to property located at 7001 South 900 East and the building of a seven story 200 unit apartment complex.

To: Midvale Planning Commission and Staff Members

Essex Court Condominiums Homeowners Association (Essex Court HOA) is opposed to any request to rezone the property located at 7001 South 900 East from its existing zone to allow for the building of a seven story 200 unit apartment complex. It appears to Essex Court HOA the primary purpose for the recently proposed (and subsequently withdrawn) change of rezoning is to allow for Minerva Real Estate Development to build a seven story, 200 unit apartment complex. Essex Court HOA is opposed to this project.

Essex Court HOA has 72 units each with an attached two car garage (total of 144 parking spaces) and an additional 34 outside parking spaces for visitors. Essex Court HOA has an easement to use the common driveway from 900 East to its entry. This is the only access Essex Court HOA residents have to enter and exit from Essex Court.

1. Vehicle Traffic. To be more specific, the apartment planning documents indicate that the entry/exit location from the apartment complex parking facilities will be located on the existing driveway from 900 East to the entry of Essex Court Condominiums. It is logical to assume that building a 200 unit apartment complex and locating the apartment complex's parking entry/exit to the driveway access to Essex Court will cause immense traffic congestion for residents' morning and evening commutes to and from their homes. In addition, this will impact how residents of both Essex Court and the apartment complex enter 900 East to begin their commutes including traffic congestion on 900 East (North and South) and the common driveway.
2. Property Values. Essex Court HOA believes the building of this apartment complex will have a negative impact on the value of homeowner properties. This proposed apartment complex will deter prospective buyers from purchasing a home in Essex Court by hiding Essex Court from the street, blocking sunlight and its westerly view, and add major traffic congestion with over approximately 450 vehicles from both Essex Court and the proposed apartment complex will trying to enter and exit on a daily basis. This is not acceptable.
3. Parking. Even though the apartment complex provides for 247 parking spaces, this number appears to be short by 50 parking spaces as indicated by Midvale City Planning Commission Staff. Essex Court HOA does not see any provisions for accommodating apartment complex tenants with more than one vehicle or their visitors potentially causing an overflow into Essex Court. This is not

acceptable. Essex Court HOA has strict parking rules that its residents abide by so that space is available for its guest and visitors. Essex Court HOA believes the shortage of parking space indicated by the apartment complex planning documents will place a burden on Essex Court HOA to increase its parking enforcement. Nonresident parking in Essex Court will inevitably result in vehicle towing.

4. Safety. Essex Court HOA has already seen an increase in the number of homeless and vagrant people entering our complex. We believe the construction of the proposed apartment complex will only add to this number of incursions causing a safety threat to homeowners living in Essex Court.
5. Fire Suppression. When the building located on this site burned in January 2021, the fire suppression equipment was able to surround the building to contain the fire. The proposed plan for the apartment complex closes off the corridor between the apartment complex and west boundary of Essex Court. Essex Court HOA strongly suggests the local Fire Marshal review this plan to ensure there is adequate space and accessibility available for fire suppression equipment to contain a fire in either Essex Court and/or the proposed apartment complex.
6. Noise Nuisance. Essex Court enjoys a quiet and peaceful neighborhood environment. The location of the proposed apartment complex's swimming pool and amenity deck borders the boundary between Essex Court HOA and the apartment complex. No doubt this will create a noise and nuisance problem for the residents of Essex Court HOA, disrupting the environment we have enjoyed for many years.

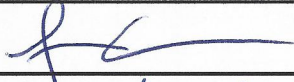

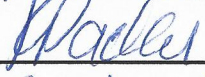
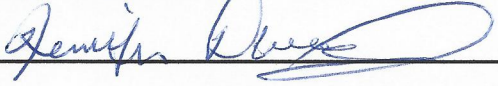
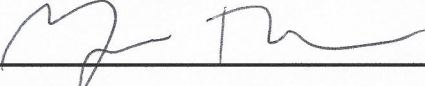



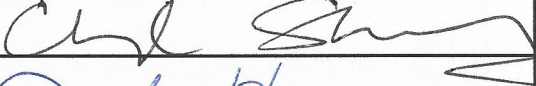
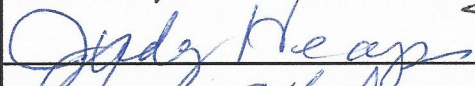

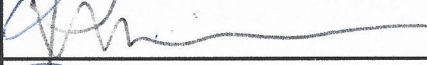

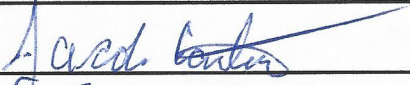

Attached to this letter are signatures from 42 Essex Court HOA homeowners and residents that are opposed to the construction of this proposed apartment complex. Please consider these citizens' opinion as you make your decision regarding any proposed zoning changes.

Essex Court HOA appreciates the Midvale City Planning Commission's careful consideration of its concerns. Essex Court HOA believes the negative impact of this project is substantial and of serious concern. Our intentions are to strongly object to the further implementation of this project. We intend to continue monitoring the progress of this apartment complex proposal. Essex Court HOA also asks that it be included in any and all future meetings regarding this proposal and notified if any further issues arise that Essex Court HOA should be aware of. Please contact: Edward Kimball, 985 Essex Court Way Unit 5, Midvale, Utah 84047; 801-651-0739.



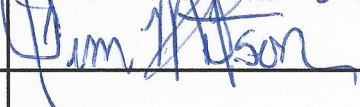
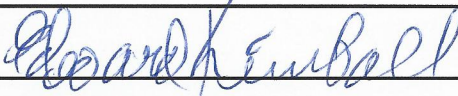
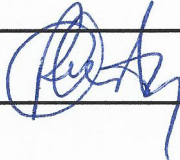


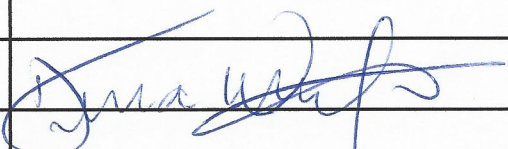



Best Regards,

Essex Court HOA Management Committee
Tim Matson, Chairperson
Morgan Smart, Vice Chairperson
Nicole Mitchell, Treasurer
Edward Kimball, Secretary
Judy Heaps, Committee Member



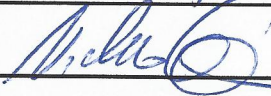
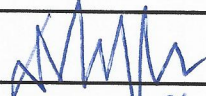

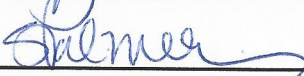
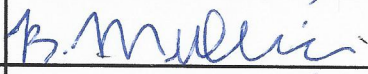
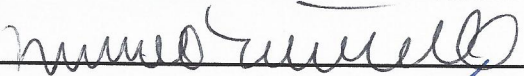


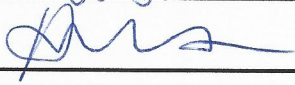
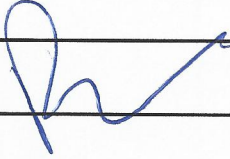
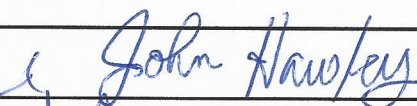

Essex Court HOA Homeowners Petition 3/10/24

Address	Homeowner	Signature
937 Essex Court Way Unit #1 Midvale, UT 84047	Holden, Greene	
937 Essex Court Way Unit #2 Midvale, UT 84047	Osborn, Aimee	
937 Essex Court Way Unit #3 Midvale, UT 84047	Armstrong, Rebecca	
937 Essex Court Way Unit #4 Midvale, UT 84047	Parker, Glenn & Kate	
944 Essex Court Way Unit #1 Midvale, UT 84047	Dunwoody, Jennifer	
944 Essex Court Way Unit #2 Midvale, UT 84047	Glavas, James	
944 Essex Court Way Unit #3 Midvale, UT 84047	Therese Van Groningen, Megan	
944 Essex Court Way Unit #4 Midvale, UT 84047	Malloy, Nathan Albert	
955 Essex Court Way Unit #1 Midvale, UT 84047	Emy Cordano	
955 Essex Court Way Unit #2 Midvale, UT 84047	Davis, France	
955 Essex Court Way Unit #3 Midvale, UT 84047	Rugebregt, Michael & Julia	
955 Essex Court Way Unit #4 Midvale, UT 84047	Shelley Cheryl Shelly, Cheryl	
955 Essex Court Way Unit #5 Midvale, UT 84047	Heaps, Judy	
955 Essex Court Way Unit #6 Midvale, UT 84047	Allred, Jim	
955 Essex Court Way Unit #7 Midvale, UT 84047	Leslie, Kindle	
955 Essex Court Way Unit #8 Midvale, UT 84047	Bruce, Thomas & Paula	
975 Essex Court Way Unit #1 Midvale, UT 84047	Chindlund, Julie	
975 Essex Court Way Unit #2 Midvale, UT 84047	Nobel, Linda	
975 Essex Court Way Unit #3 Midvale, UT 84047	Sheets, Michael & Hilary	
975 Essex Court Way Unit #4 Midvale, UT 84047	Smerkous, Domotri (R) M&M	
975 Essex Court Way Unit #5 Midvale, UT 84047	Sterns, Betty	
975 Essex Court Way Unit #6 Midvale, UT 84047	Carter, Jacob	
975 Essex Court Way Unit #7 Midvale, UT 84047	Lovell, Ashlyn & Zachery	

Essex Court HOA Homeowners Petition 3/10/24

Address	Homeowner	Signature
975 Essex Court Way Unit #8 Midvale, UT 84047	Post, Trudy	
985 Essex Court Way Unit #1 Midvale, UT 84047	Kingore, Samuel & Edith	
985 Essex Court Way Unit #2 Midvale, UT 84047	Peterson, Elaine	
985 Essex Court Way Unit #3 Midvale, UT 84047	Matson, Tim	
985 Essex Court Way Unit #4 Midvale, UT 84047	Burton, Christopher (R)	
985 Essex Court Way Unit #5 Midvale, UT 84047	Kimball, Edward	
985 Essex Court Way Unit #6 Midvale, UT 84047	Siesta Holdings LLC (R)	
985 Essex Court Way Unit #7 Midvale, UT 84047	Olsen, Christopher	
985 Essex Court Way Unit #8 Midvale, UT 84047	Christy, Raymond	
991 Essex Court Way Unit #1 Midvale, UT 84047	Cowan, Mark	
991 Essex Court Way Unit #2 Midvale, UT 84047	Nelson, Nicholas (R)	
991 Essex Court Way Unit #3 Midvale, UT 84047	Shannon, Mary	
991 Essex Court Way Unit #4 Midvale, UT 84047	McPhie, Jason	
991 Essex Court Way Unit #5 Midvale, UT 84047	Tice, Dylan	
991 Essex Court Way Unit #6 Midvale, UT 84047	Wright, Debra	
991 Essex Court Way Unit #7 Midvale, UT 84047	Wolcott, Shay & Nicole	
991 Essex Court Way Unit #8 Midvale, UT 84047	Gunn, Kenneth	
994 Essex Court Way Unit #1 Midvale, UT 84047	Phillips, Tom & Mary	
994 Essex Court Way Unit #2 Midvale, UT 84047	Beck, Hans (Michael)	
994 Essex Court Way Unit #3 Midvale, UT 84047	Hanni, Mikel	
994 Essex Court Way Unit #4 Midvale, UT 84047	Verhoef, (Nick) Clarence	
995 Essex Court Way Unit #1 Midvale, UT 84047	Dupree, Mary (R)	
995 Essex Court Way Unit #2 Midvale, UT 84047	Bell, Steven & Patsy	
995 Essex Court Way Unit #3 Midvale, UT 84047	Kanamu, Jeff & Diane (R)	

Essex Court HOA Homeowners Petition 3/10/24

Address	Homeowner	Signature
995 Essex Court Way Unit #4 Midvale, UT 84047	Amburn, Larry	
6980 Essex Court Circle Unit #1 Midvale, UT 84047	Schieck, Marlene	
6980 Essex Court Circle Unit #2 Midvale, UT 84047	Giris, Vidas	
6980 Essex Court Circle Unit #3 Midvale, UT 84047	Bigelow, Jonathan	
6980 Essex Court Circle Unit #4 Midvale, UT 84047	David Taylor	
6980 Essex Court Circle Unit #5 Midvale, UT 84047	Hurst, Cynthia, Morgan Smart	
6980 Essex Court Circle Unit #6 Midvale, UT 84047	Palmer, John & Sheri	
6980 Essex Court Circle Unit #7 Midvale, UT 84047	Mullins, Brittany	
6980 Essex Court Circle Unit #8 Midvale, UT 84047	Munsee, Braden	
7000 Essex Court Circle Unit #1 Midvale, UT 84047	Watkins, Debera	
7000 Essex Court Circle Unit #2 Midvale, UT 84047	Osabouhien, Scott - Amber	
7000 Essex Court Circle Unit #3 Midvale, UT 84047	Gidley, Eileen	
7000 Essex Court Circle Unit #4 Midvale, UT 84047	Young, Morgan	
7000 Essex Court Circle Unit #5 Midvale, UT 84047	Li Residence	
7000 Essex Court Circle Unit #6 Midvale, UT 84047	Zhang, Yuting	
7000 Essex Court Circle Unit #7 Midvale, UT 84047	Larsen, Christian	
7000 Essex Court Circle Unit #8 Midvale, UT 84047	Ladue, Scott N. (R)	
7005 Essex Court Circle Unit #1 Midvale, UT 84047	Abegglen, Nedra	
7005 Essex Court Circle Unit #2 Midvale, UT 84047	Presson, Paul	
7005 Essex Court Circle Unit #3 Midvale, UT 84047	Raleigh, Casey	
7005 Essex Court Circle Unit #4 Midvale, UT 84047	Hawley, John	
7005 Essex Court Circle Unit #5 Midvale, UT 84047	Peacock, Ashley	
7005 Essex Court Circle Unit #6 Midvale, UT 84047	Ransom, Natalie	
7005 Essex Court Circle Unit #7 Midvale, UT 84047	Kwong, Kimmy Kyung	

Essex Court HOA Homeowners Petition 3/10/24

Address	Homeowner	Signature
7005 Essex Court Circle Unit #8 Midvale, UT 84047	Todoran, Micheal & Rhoda	



5

E

Essex Court HOA

10:23 AM (7 hours ago)

Mary, please text me a short letter indicating that you are in agreement with other Essex Court homeowners in their opposition to building a 200 unit apartment

M

Mary Phillips

11:46 AM (5 hours ago)

to me

I am in agreement with other Essex Court homeowners in their opposition to building a 200 unit apartment complex on the lot located at 7001 South 900 East, Midvale, UT 84047. I am opposed to this density in this location, including I am opposed to the plan for these 200 additional units to use the one narrow no traffic light entry/exit that currently connects our community to the heavily traveled four lanes of 900 East and Ft Union. Every day, traffic builds up at the 900 east and Fort Union traffic light intersection, blocking safe entry/exit from our complex. Don't add 200 (up to 400 if 2 people/unit) more cars trying to navigate this traffic nightmare.

Mary Phillips
994 East Essex Court Way number 1

Sent from my iPhone

E

Mary Phillips

Sans Serif

Send

Address

Name

Signature

955 Essex Courtway Dalton & Kelsey

John Dalton Kelsey

Unit #1, Midvale, UT 84047

Moore

Ruby Moore



7505 S Holden Street
Midvale, UT 84047
801-567-7200
www.MidvaleCity.org

MIDVALE CITY PLANNING COMMISSION STAFF REPORT 04/10/2024

SUBJECT

Mike Nielsen requests a determination on the height and material for an enclosure of an Outdoor Storage area for automobiles at 6941 S. River Gate Drive in the Bingham Junction/Riverwalk Overlay zone.

SUBMITTED BY

Wendelin Knobloch, Planning Director

BACKGROUND AND ANALYSIS

Mr. Nielsen submitted an Administrative Conditional Use Permit for an automobile outdoor storage area at Unique Auto's future business location at 6941 S. River Gate Drive. The application shows removal of existing landscaping and placement of a seven-foot-high precast concrete fence in the northeastern quadrant of the site, immediately adjacent to the existing building.

Public notice was sent to property owners within 500 feet of the subject parcel, the hearing was advertised at City Hall, on the City website, and the Utah Public Notice Website; additionally, a sign was placed on the property. At the time of this writing no public comment has been received.

This application is on the Planning Commission agenda because the outdoor storage provisions in Midvale Municipal Code Section 17-2-15 require a Planning Commission determination on the height and material of the fence when a front yard or side yard is involved, as detailed below:

"...The area used for outdoor storage shall not constitute more than fifteen percent of the lot area."

Staff Response: The area constitutes 14.77 percent of the lot area.

"With the exception of retail sales displays in an approved commercial area, outdoor storage shall be screened from public view by a minimum six-foot high opaque fence or, when outdoor storage occurs in a **front yard, side yard**, or any other location within the public view, a **fence or screening of a height and material determined by the planning commission.**"

Staff Response: The applicant proposes a seven-foot-high precast concrete fence.

STAFF RECOMMENDATION

Staff recommends the Planning Commission approve the fence height of seven feet and concrete as the fence material, with a finding that the outdoor storage area does not constitute more than fifteen percent of the lot area.

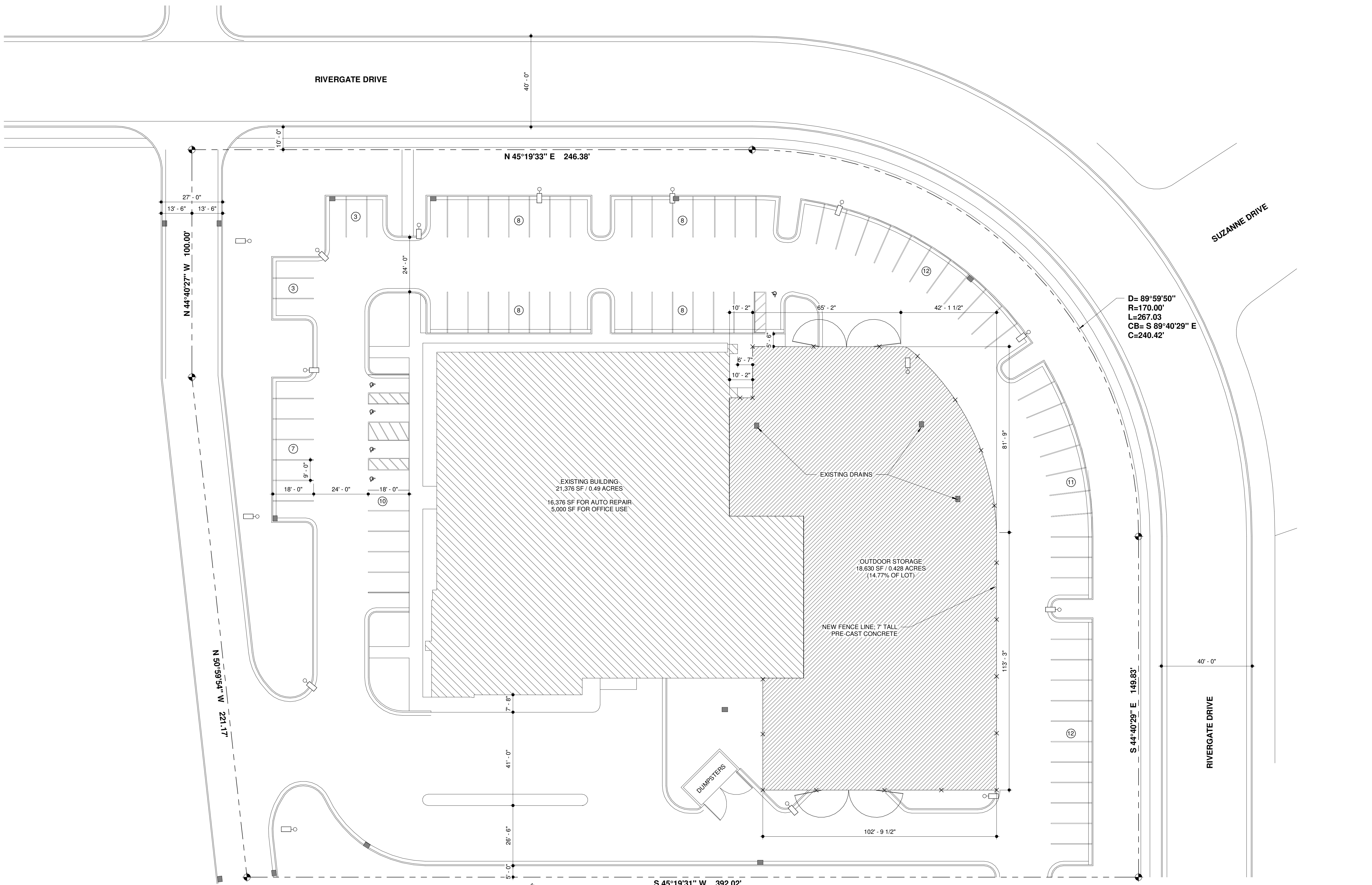
RECOMMENDED MOTION

I move we approve the fence height of seven feet and concrete as the fence material with the finding noted in the staff report.

ATTACHMENTS

1. Site and Fence Exhibit

3/19/2024 8:41:37 AM K:\Drawings 2024\2024-019 Unique Midvale\03-01-2024 - Unique Midvale.rvt



NEW SITE PLAN
SCALE 1" = 20'-0"

PARKING CALCULATIONS						
USE	AREA	FORMULA	SPACES REQUIRED	SPACES PROVIDED	ADA SPACES	
AUTO REPAIR	16,376 SF	4 SPACES per 1000 Sq Ft	68	83	4 REQUIRED	
OFFICE SPACE	5,000 SF	3 SPACES per 1000 Sq Ft	15	90	5 PROVIDED	

NEW SITE TABULATION TABLE			
	AREA(SQ. FT.)	AREA(ACRES)	PERCENTAGE
BUILDING	21,376 SQ. FT.	0.49 ACRES	17.2%
LANDSCAPE	27,265 SQ. FT.	0.62 ACRES	21.9%
HARDSCAPE	75,648 SQ. FT.	1.74 ACRES	60.9%
TOTAL SITE	124,289 SQ. FT.	2.85 ACRES	100%

REVISIONS
DATE

ARCHITECTURAL COALITION

PRELIMINARY
NOT FOR
CONSTRUCTION

Copyright 2020
Architectural Coalition
THE PURCHASER IS GRANTED
A SINGLE USE LICENSE FOR
CONSTRUCTION ONLY.
UNAUTHORIZED USE AND/OR
FURTHER DISTRIBUTION IS
PROHIBITED WITHOUT
WRITTEN APPROVAL OF THE
ARCHITECTURAL COALITION.

Unique Midvale

SHEET NO.
A-0.8

DATE
Issue Date

6941 S River Gate Dr
Midvale, UT 84047

962 West 800 North, Orem Utah, 84057
PH: 801-491-0275



EXHIBIT B

It is the desire of the applicant to replace the existing outdoor storage fencing with precast concrete fencing of at least 7 ft in height in a style complimentary to the existing building exterior color and design aspects. Below is a sample image of the preferred design and color.



Figure 1: Precast Concrete Fence Sample



Figure 2: Exterior view of Progressive Building

Midvale: (801) 566-0791 798 W Center St. Midvale, UT 84047
South Jordan: (801) 302-0966 11521 S Redwood Rd South Jordan, UT 84095
Saratoga Springs: (801) 766-1134 2178 W Stagecoach Dr Saratoga Springs, UT 84045
American Fork: (801) 492-5000 221 S. 500 E., American Fork, UT 84045



7505 S Holden Street
Midvale, UT 84047
801-567-7200
www.MidvaleCity.org

MIDVALE CITY PLANNING COMMISSION STAFF REPORT 4/10/2024

SUBJECT

Midvale City initiated Rezone request to remove the 7200 S Overlay from the northeast and southeast corners of State Street and Fort Union Blvd. See Rezone Exhibit. Information regarding the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the rezone is adopted can be found in the Midvale City Code. [17-7-7](#) is the State Street Commercial (SSC) zone, and [17-7-6](#) is the 7200 S Overlay Zone.

SUBMITTED BY

Elizabeth Arnold, Senior Planner

BACKGROUND AND ANALYSIS

Throughout 2022, Midvale City, in tandem with a consulting team, conducted the Midvale State Street Corridor Study. At the conclusion of the study, recommendations were provided to the City with potential changes that could be implemented to improve the State Street area by encouraging development that aligns with the City's vision for State Street. The Study explored land use concepts that addressed streetscape, building frontage, development type and form, and rear-yard development. The current zoning east of State Street and Fort Union Blvd isn't conducive to overall development or consistent with best practices identified in the State Street Corridor Study.

The 7200 S Overlay zone was developed to supplement the Mixed-Use zone. Given that the subject area does not have Mixed-Use zoning and is zoned for State Street Commercial, the 7200 S Overlay is restricting development in ways that are not conducive to the City's goals.

Midvale City Code 17-3-1(E.) outlines the criteria necessary for granting a rezone as follows:

17-3-1 Criteria/Required Findings. ...rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the planning commission may recommend, and the city council may grant, a rezoning application only if it determines, in written findings, that the proposed rezoning is consistent with the policies and goals of the general plan and that the applicant has demonstrated that the:

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

Based on the results of the State Street Corridor Study, the proposed rezone request satisfies Goal #1 and #3 listed above.

Public notice has been sent to property owners within 500 feet of the subject area. No written objections have been received as of the writing of this report.

STAFF RECOMMENDATION

Staff recommends the Planning Commission forward the Rezone request on to the City Council with a recommendation of approval with the following findings:

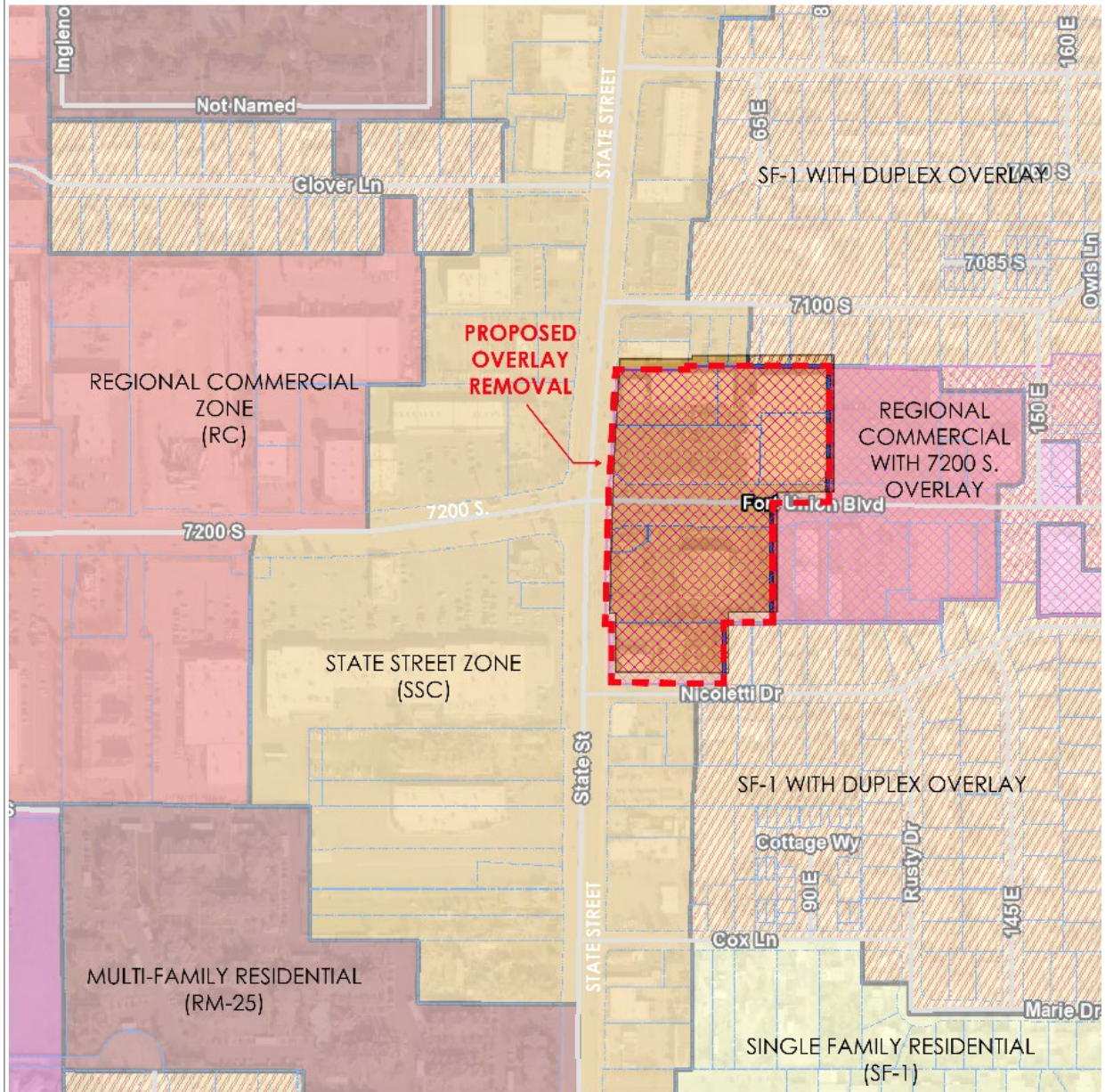
1. Removing the 7200 S Overlay will allow for development that aligns with Midvale City's vision for the State Street area.
2. The request complies with the rezone procedure outlined in Midvale City Code 17-3-1(E).

RECOMMENDED MOTION

"I move that we recommend approval of the Rezone request to remove the 7200 S Overlay from the northeast and southeast corners of State Street and Fort Union Blvd. consistent with the findings included in the staff report."

ATTACHMENTS

1. Rezone Exhibit





7505 S Holden Street
Midvale, UT 84047
801-567-7200
www.MidvaleCity.org

MIDVALE CITY PLANNING COMMISSION STAFF REPORT 4/10/2024

SUBJECT

Midvale City initiated request to amend Sections 17-7-7.1, 17-7-7.4, 17-7-7.5, and 17-7-7.8 of the State Street (SSC) zone of the Midvale City Municipal Code. These changes encourage enhanced building frontages and increased activation of outdoor spaces.

SUBMITTED BY

Elizabeth Arnold, Senior Planner

BACKGROUND AND ANALYSIS

Throughout 2022, Midvale City, in tandem with a consulting team, conducted the Midvale State Street Corridor Study. At the conclusion of the study, recommendations were provided to improve the State Street area by encouraging development that aligns with the City's vision for State Street. The Study explored land use concepts that addressed streetscape, building frontage, development type and form, and rear-yard development. The proposed text amendments will encourage enhanced building frontages and increased activation of outdoor spaces.

Public notice has been sent to affected entities as required in 17-3-9.B of the Municipal Code. No comments have been received as of the writing of this report.

-AMENDMENTS TO THE ZONING CODE OR MAP-

Midvale City Code 17-3-1 outlines the criteria necessary for amendments to the zoning code or map (Staff responses in **bold**):

17-3-1.E Amendments to the Zoning Code or Map.

1. Proposed rezoning is necessary either to comply with the general plan proposed land use map or to provide land for a community need that was not anticipated at the time of adoption of the general plan;

Response: The request is not for a rezone; rather, an amendment that addresses streetscape, building frontage, development type and form, and rear-yard development in the SSC zone and satisfies ongoing community needs.

2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, flood plain, unstable soils, and inadequate drainage; or,

Response: This criterion is not applicable.

3. Land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area;

Response: This criterion is not applicable.

STAFF RECOMMENDATION

Staff recommends the Planning Commission forward the text amendment on to the City Council with a recommendation of approval with the following finding:

1. The amendment complies with Midvale City Code 17-3-1(E)(1).

RECOMMENDED MOTION

“I move that we recommend approval of the amendment as provided in the attachments, with the finding noted in the staff report.”

ATTACHMENTS

1. Draft Ordinance

Chapter 17-7-7 STATE STREET ZONE (SSC)

Sections:

- 17-7-7.1 Purpose.**
- 17-7-7.4 Lot and development standards.**
- 17-7-7.5 Architectural standards.**
- 17-7-7.8 Parking.**

17-7-7.1 Purpose.

This chapter provides standards for the development of land parcels within the State Street zone and is intended to facilitate development that promotes quality growth, fosters complementary development, increases property values, and catalyzes new opportunities for retail, residential, and other commercial uses. This chapter informs owners of the standards that will be applied in approving or disapproving proposed developments. The goal is to:

- A. Facilitate transition of the State Street corridor from underdeveloped commercial parcels to a more vibrant mix of commercial and residential uses;
- B. Provide an identifiable entry corridor for the city;
- C. Assure and enhance the investment of State Street property owners;
- D. Promote economic development;
- E. Protect surrounding neighborhoods from the potential adverse effects of more intense land uses; and
- F. Require thematic landscaping to provide a distinctive visual quality to the area. (Ord. 11-20-2001 § 2 (part))
- G. Promote enhancement of building frontages and side yards to activate storefronts and ground level facades, to increase sidewalk widths to provide additional space for gathering, dining, shopping, and other amenities which encourage a walkable pedestrian realm.

Formatted: Font: 9 pt

17-7-7.4 Lot and development standards.

The following development standards apply to all new development in the zone:

A. *Setbacks.* New development shall comply with the following setbacks:

1. *Front.* The minimum front yard setback is ~~ten~~^{fifteen} feet, which shall consist of a ten-foot wide sidewalk, ~~a five-foot park strip, and tree wells, subject to the following exceptions: with tree wells and other urban design amenities. Additional setback beyond ten feet are encouraged~~^{is permitted if the additional area provides space for outdoor dining, gathering, shopping, or other activating uses outlined in this Chapter. Setbacks beyond ten feet are subject to the following exceptions:}
 - a. *Corner Lot Rule.* Corner lots have two front yards, with a ~~ten~~^{twenty-five} foot setback.
 - b. *Projections.* Skylights, sills, cornices, chimneys, flues and ornamental features may project into the front yard up to two and one-half feet. Eaves and awnings may project into the front yard up to eight feet so long as the eaves or awnings are at least eight feet above ground.
2. *Side.* There is no side setback requirement, except as required by the International Building Code and landscape buffers. ~~Allowed uses within the side setback include outdoor dining, gathering, and shopping.~~
3. *Rear.* There is no rear setback requirement, except as required by the International Building Code and landscape buffers.

Table 17-7-7.4. Lot and Development Standards

Building Type		Lot Width	Lot Depth	Max. Footprint	Impervious Surface/ Coverage	Setbacks Front/Side/Rear	Build-To Line	Height Max.
Commercial	Standards	50'	100'	n/a	Up to 80% coverage of	1020' ^{1020'} / 0' ^{020'}	1020' ^{1020'} / ≥ 50% of	55' to

Building Type		Lot Width	Lot Depth	Max. Footprint	Impervious Surface/Coverage	Setbacks Front/Side/Rear	Build-To Line	Height Max.
					lot area		the front facade w/ 3' of BTL	cornice 52' flat
	Exceptions	No	≥ 80' if lot width ≥ 75'	No	No	F: Projection ≤ 2.5' Awning ≤ 8' S/R: Stairs and balconies ≤ 3' Corner 2 FY 25'	1025'/30' for corner lots	35' w/ 50' SF
Mixed-Use	Standards	50'	100'	20,000 s.f.	Up to 80% coverage of lot area	1020'/0'/020'	1020'/ ≥ 50% of the front facade w/ 3' of BTL	75' to cornice 72' flat
	Exceptions	No	≥ 80' if lot width ≥ 75'	No	No	F: Projection ≤ 2.5' Awning ≤ 8' S/R: Stairs and balconies ≤ 3' MU parking Corner 2 FY 25'	1025'/30' for corner lots	35' w/ 50' SF

(Ord. 11-20-2001 § 2 (part))

17-7-7.5 Architectural standards.

B. *Walls*. All exterior walls shall be constructed in compliance with the following:

3. *Facades*. Each facade facing a public right-of-way or a pedestrian pathway shall shift at least five feet every thirty linear feet. No facade facing a public right-of-way or a pedestrian pathway shall be blank (without fenestration) for more than thirty feet. For building sides 50' in length, building breaks in the façade are required. These may include building articulations, balconies, or changes in material.

Formatted: Normal, Indent: Left: 0.29", Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers

H. *Corner Lot Improvements*. ~~Where appropriate,~~ New development of corner lots shall include curb extensions in conjunction with on-street parking. All curb cuts shall be placed on each street frontage, and not at a central location at the apex of the corner radius. Building corners must be enhanced by utilizing at least three of the following: railings, coordinated pavers, public art, signage, lighting, or planters.

I. *Street Furniture*. Each new mixed-use or pedestrian-oriented commercial development shall include all-weather benches and shall incorporate trash receptacles and raised planters along the front facades of structures, interior to the development. Street furniture shall coordinate with one another and with adjacent mixed-use developments, and shall not be used for advertisement. Sidewalk dining is allowed on any street, to within five feet of the curb.

J. *Outdoor Dining*. ~~Outdoor dining is allowed provided it on any street upon approval of the City. Each application for an outdoor dining use shall comply with the following:~~

1. The dining area shall be located on private property or leased public property and shall not diminish required parking or landscaping.

Formatted: Indent: Left: 0.31"

2. The dining area shall not impede pedestrian circulation or emergency access. A minimum of a 5 foot walk aisle must be provided.

~~3. The dining area shall not impede emergency access or circulation.~~

4. The outdoor furnishings shall be compatible with the streetscape and associated building.

5. No music or noise shall be in excess of the City noise ordinance. Outdoor music shall not be audible off premises.

6. No use after ten-thirty p.m. and before seven a.m.

7. No part of the outdoor dining area shall be located within ~~twentyone hundred feet~~ of any existing residential use (measured from the edge of the outdoor dining area to the closest property line of the residential use), unless the residential use is part of a mixed-use building or the outdoor dining area is separated from the residential use by a commercial building.

8. Cooking facilities shall be located within the primary building. No cooking utilities, including grills, shall be permitted in the outdoor dining area.

9. The outdoor dining area shall be kept in a clean condition and free of litter and food items which constitute a nuisance to public health, safety and welfare.

17-7-7.8 Parking.

C. *Parking Ratio Requirements for Specific Land Use Categories.* All new development shall provide parking according to the following standards. If a project incorporates two uses, the use requiring the higher number of parking spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number.

4. *Street Access and Circulation.* New commercial development shall provide the following:

a. *Off-Street Parking.* Off-street parking areas must have unobstructed access to a street or alley. The parking area design for five or more vehicles must not encourage cars to back onto adjoining public sidewalks, parking strips, or roadways. With the exception of permitted tandem parking, parking spaces shall be independently accessible and unobstructed. All off-street and structured/garage parking shall be located to the side or rear of the building to preserve street facing facades for transparency and pedestrian activity. Structured parking that faces a street shall be wrapped with commercial or office uses. Surface parking lots are not allowed if visible from the adjacent street. Guest parking shall not require a fee.



7505 S Holden Street
Midvale, UT 84047
801-567-7200
www.MidvaleCity.org

MIDVALE CITY PLANNING COMMISSION STAFF REPORT 4/10/2024

SUBJECT

Consider an amendment to Midvale Municipal Code Section 16.02.050.E related to Private Street Design Standards.

SUBMITTED BY

Adam Olsen, Community Development Director

BACKGROUND AND OVERVIEW

Private streets in Midvale require a right-of-way width of 35' (20' pavement width). Public streets require a right-of-way width of 50' (25' pavement width). Sidewalks may be placed on one side or both sides of a private street, whereas, on a public street, they must be placed on both sides. Private streets have been proposed and approved for various infill developments throughout the City.

Staff recommends amending private street standards to match public street standards. This does not remove the option to provide private streets; rather, it requires private streets to match public street standards. This ensures that if private streets are one day turned over to the City—upkeep cost for property owners, for example—the City can more easily take over maintenance responsibilities.

-AMENDMENTS TO THE ZONING CODE OR MAP-

Midvale City Code 17-3-1 outlines the criteria necessary for amendments to the zoning code or map (Staff responses in **bold**):

17-3-1.E Amendments to the Zoning Code or Map.

1. Proposed rezoning is necessary either to comply with the general plan proposed land use map or to provide land for a community need that was not anticipated at the time of adoption of the general plan;

Response: The request is not for a rezone; rather, an amendment that requires new private streets to meet public street design standards.

2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the

natural characteristics of the land, including but not limited to, steep slopes, flood plain, unstable soils, and inadequate drainage; or,

Response: This criterion is not applicable.

3. Land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area;

Response: This criterion is not applicable.

STAFF RECOMMENDATION

Approval of the amendment.

RECOMMENDED MOTION

I move that we recommend approval of the amendment to Midvale Municipal Code Section 16.02.050 related to Private Street Design Standards.

ATTACHMENT

1. Proposed amendment

16.02.050 Design standards.

E. *Private Streets*. The applicant may propose private streets within the subdivision so long as the proposed street(s) match the standard right-of-way and cross section of a public street as provided in Title 18. ~~include a right-of-way width of thirty-five feet, with twenty feet of pavement installed to city specifications and fire code, two and one-half feet of curb and gutter on each side and either a five-foot sidewalk adjacent to the curb on both sides or a four-foot sidewalk and a five-foot park strip on one side.~~



7505 S Holden Street
Midvale, UT 84047
801-567-7200
www.MidvaleCity.org

MIDVALE CITY PLANNING COMMISSION STAFF REPORT 04/10/2024

SUBJECT

Midvale City initiated amendment that creates Chapter 17-6 Supplementary Regulations within the Midvale Municipal Code. The effect of this amendment will be that Midvale City adopts the Jordan Valley Water Conservancy District Water Efficiency Standards.

SUBMITTED BY

Wendelin Knobloch, Planning Director

BACKGROUND AND ANALYSIS

This city-initiated request to amend the Midvale City Municipal Code provided in Exhibit A creates Chapter 17-6 and will be entitled “Supplementary Regulations”. The purpose of this chapter is to consolidate supplementary regulations that have general applicability across multiple zones into one location within the code.

One of these supplementary regulations with general applicability across multiple zones concerns Water Conservation Standards which are administered through the Jordan Valley Water Conservancy District (JVWCD) and can be found at this link:

<https://jvwcd.org/file/657b260c-9465-42d1-b15d-52693a74359e/Water-Efficiency-Standards-Revised-as-of-June-10-2020.pdf>.

Midvale residents are eligible for full landscaping conversion incentives through JVWCD as soon as the City adopts the above linked document. The standards are not in conflict with Midvale’s zoning requirements; they simply add recommendations and requirements that emphasize the responsible use of water, especially with regard to the use of turf.

Public notice has been sent to affected entities as required in Section 17-3-9 of the Midvale Municipal Code. At the time of this writing no public comment has been received.

Midvale City Code 17-3-1 outlines the criteria necessary for amendments to the zoning code or map (Staff responses in yellow):

MMC Section 17-3-1(E): Amendments to the Zoning Code or Map

E. Criteria/Required Findings. The city's zoning is the result of a detailed and comprehensive appraisal of the city's present and future land use allocation needs. In order to establish and maintain sound, stable, and desirable development within the city, **rezoning of land is to be discouraged and allowed only under the limited circumstances herein described.** Therefore, the planning commission may recommend, and the city council may grant, **a rezoning application only if it determines, in written findings, that the proposed rezoning is consistent with the policies and goals of the general plan** and that the applicant has demonstrated that the:

1. Proposed rezoning is necessary either **to comply with the general plan proposed land use map** or to **provide land for a community need** that was not anticipated at the time of adoption of the general plan;

Staff Response: This criterion is not applicable because the request is not for a rezone; rather, an amendment to the municipal code.

2. Existing zoning was either the result of a **clerical error or a mistake of fact**, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, flood plain, unstable soils, and inadequate drainage; or

Staff Response: This criterion is not applicable because the request is not for a rezone; rather, an amendment to the municipal code.

3. **Land or its surrounding environs has changed or is changing** to such a degree that it is in the **public interest to encourage redevelopment** of the area or to recognize the changed character of the area.

Staff Response: This criterion is not applicable because the request is not for a rezone; rather, an amendment to the municipal code.

STAFF RECOMMENDATION

Based on the requirements of Section 17-3-1.E of the Midvale City Municipal Code and the City's wish to conserve water resources and for its residents to be eligible for landscaping conversion incentives, Staff recommends adoption of the amendments shown in Exhibit A with the following finding for your consideration:

- Adopting the JWCD Water Conservation Standards emphasizes the need to conserve water and provides the citizens of Midvale the opportunity to be eligible for landscaping conversion incentives.

RECOMMENDED MOTION

I move that we recommend approval of the ordinance creating Chapter 17-6 of the Midvale Municipal Code and enacting the JWCD Water Efficiency Standards with the findings listed in the staff report.

ATTACHMENTS

1. Exhibit A

Exhibit A – Draft Ordinance

MIDVALE CITY

ORDINANCE NO. 2024-O-??

AN ORDINANCE CREATING CHAPTER 17-6 OF THE MIDVALE CITY MUNICIPAL CODE AND ENACTING THE JORDAN VALLEY WATER CONSERVANCY DISTRICT’S WATER EFFICIENCY STANDARDS.

WHEREAS, pursuant to Utah Code Annotated Sections 10-8-84 and 10-9a-501 through 10-9a-503, Midvale City (“the City”) has authority to make and amend any regulation of or within zoning districts or any other provision of the land use ordinance to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

WHEREAS, on January 2, 2002, the Midvale City Zoning Ordinance, Title 17 of the Midvale City Municipal Code (the “Code”), became effective and is subject to amendments from time to time pursuant to Section 17-3-1 the Code; and

WHEREAS, pursuant to Section 17-1-1 of the Code, the City desires to promote coordinated development, redevelopment, effective use of land, and site planning; protect and promote public safety, health, and general welfare by providing adequate light and air, water and sewage control, police, fire and wetlands protection; and secure economy in governmental expenditures; and

WHEREAS, the City desires to create Chapter 17-6 to add supplementary regulations that have a general applicability across multiple zones; and

WHEREAS, the City desires to implement water conservation standards for the benefit of the City, its residents, and the State; and

WHEREAS, Utah Code Ann. § 73-10-37 and Utah Administrative Code R653-11 also require the City to adopt Jordan Valley Water Conservancy District’s (JVWCD) Water Efficiency Standards in order for its residents to be eligible for landscaping conversion incentives; and

WHEREAS, the City wants its residents to eligible for landscaping conversion incentives; and

WHEREAS, the JVWCD Water Efficiency Standards have general applicability across multiple zones; and

WHEREAS, the Planning Commission held a public hearing on April 10, 2024, to review the request for text amendments and, after considering all the information received, made a recommendation to approve the text amendments to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on April 16, 2024; and

WHEREAS, after taking into consideration citizen testimony, planning analysis, and the

Planning Commission’s recommendation as part of its deliberations, the City Council finds it is appropriate and within the best interest of the City to enact Chapter 17-6 to provide supplementary regulations that have a general applicability across multiple zones and to adopt JWCD’s Water Efficiency Standards .

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

Section 1. The following chapter of the Midvale City Municipal Code is hereby enacted as included in the following attachment:

A. Attachment A: Chapter 17-6 Supplementary Regulations

Section 2. A violation of this ordinance includes the possibility of fines or imprisonment. Midvale City is required, under Utah Code Annotated Section 78B-22-301, to provide for indigent legal defense, as that term is defined in Utah Code Annotated Section 78B-22-102.

Section 3. This ordinance is effective upon publication in accordance with Utah Code Annotated Section 10-3-711.

PASSED AND APPROVED this ____ day of _____, 2024.

Marcus Stevenson, Mayor

SEAL

Voting by City Council	“Aye”	“Nay”
Quinn Sperry	_____	_____
Paul Glover	_____	_____
Heidi Robinson	_____	_____
Bryant Brown	_____	_____
Dustin Gettel	_____	_____

ATTEST:

Rori L. Andreason, MMC
City Recorder

Published this ____ day of _____, 2024, on the Utah Public Notice Website.

Attachment A: Chapter 17-6 Supplementary Regulations

Chapter 17-6 Supplementary Regulations

Sections

- 17-6-1 Applicability of this Chapter
- 17-6-2 Water Conservation Standards

17-6-1 Applicability of this Chapter

The intent of this section is to provide for miscellaneous land development standards which are applicable in Title 17. An individual is required to follow all applicable standards under Title 17. When a conflict exists between these supplementary regulations in Chapter 17-6 and an individual zone, the standards of the individual zone shall supersede these supplementary regulations unless otherwise stated.

17-6-2 Water Conservation Standards

All new landscaping in all zones in the City shall conform with the Jordan Valley Water Conservancy District Water Efficiency Standards as published on the District's website (jvwcd.org). This requirement shall supersede individual zone requirements notwithstanding Section 17-6-1.



7505 S Holden Street
Midvale, UT 84047
801-567-7200
Midvale.Utah.gov

MIDVALE CITY PLANNING COMMISSION STAFF REPORT 04/10/2024

SUBJECT

Midvale City initiated request to amend Sections 17-7-12.2, 17-7-12.5, and 17-7-12.7 of the Regional Commercial (RC) zone of the Midvale City Municipal Code. These changes remove Manufacturing, Outdoor Storage, and Warehouse/Distribution as uses in the zone and any associated references to them.

SUBMITTED BY

Jonathan Anderson, Planner II

BACKGROUND AND ANALYSIS

Midvale City requests an amendment to the above-listed sections of the Midvale City Municipal Code. These sections regulate the Use Table, Outdoor Storage regulations, and Parking Standards of the Regional Commercial (RC) zone. The proposed amendment is to remove Manufacturing, Outdoor Storage, and Warehouse/Distribution as uses in the zone and any associated references to them.

Public notice has been sent to affected entities as required in 17-3-9.B of the Municipal Code. No comments have been received as of the writing of this report.

-AMENDMENTS TO THE ZONING CODE OR MAP-

Midvale City Municipal Code 17-3-1 outlines the criteria necessary for amendments to the zoning code or map (Staff responses in **bold**):

17-3-1.E Amendments to the Zoning Code or Map.

1. Proposed rezoning is necessary either to comply with the general plan proposed land use map or to provide land for a community need that was not anticipated at the time of adoption of the general plan;

Response: The request is not for a rezone; rather, an amendment that removes certain uses from the individual zone and any associated references to them.

2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, flood plain, unstable soils, and inadequate drainage; or,

Response: This criterion is not applicable.

3. Land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area;

Response: This criterion is not applicable.

STAFF RECOMMENDATION

Staff recommends the Planning Commission forward the text amendment on to the City Council with a recommendation of approval with the following finding:

1. The amendment complies with Midvale City Code 17-3-1(E)(1).

RECOMMENDED MOTION

“I move that we recommend approval of the amendment as provided in the attachments, with the finding noted in the staff report.”

ATTACHMENTS

1. Draft Ordinances.

17-7-12.2 Uses.

If a use is not specifically designated, then it is prohibited. Uses designated with an asterisk (*) have additional use-specific standards included in subsection [\(A\)](#) of this section.

Table 17-7-12.2. Uses

Type	Allowed	Administrative	Conditional	Business License
Alcoholic Beverage				
Class A License	X			X
Class B License	X			X
Class C Tavern	X			X
Restaurant	X			X
Package Agency			X	X
Private Club	X			X
State Liquor Store	X			X
Animal Hospital	X			X
Assisted Living Facility				
≤ 1 acre		X		
> 1 acre			X	
Auditorium, Assembly Hall			X	X
Carwash		X		
Child Care				
≤ 6 children	X			X
≥ 7 children		X		X

Commercial Repair Services	X		X
Entertainment Center		X	X
Fences			
7' or less	X		
7' or more		X	
Financial Institution			
W/o drive up window	X		X
W/drive up window		X	X
Golf Course, private		X	X
Heliport		X	X
Hotel/Motel		X	X
Itinerant Merchants			
Vending Carts	X		X
Seasonal Food Stands	X		X
Christmas Tree Sales	X		X
Fireworks Stands	X		X
Seasonal Produce Stands	X		X
Seasonal Flower Stands	X		X
Kennel		X	X
Manufactured Home	X		
Manufacturing	X		X
Medical Cannabis Pharmacy	X		X

Mortuary/Funeral Home	X		X
Municipal Facilities			
Parks			
Public Safety Facility		X	
Public Utilities			
Minor		X	
Major			X
Recreational Facilities		X	
Trails		X	
Nursery, Commercial	X		X
Office			
General	X		X
Intensive			X
Outdoor Dining		X	X
Outdoor Storage		X	
Parking Lot			
Commercial			X
Private	X		
Pawn Shop		X	X
Pre-Existing Landscaping	X		
Pre-Existing Lighting (outdoor)	X		
Pre-Existing Lot	X		

Pre-Existing Structure	X		
Pre-Existing Use	X		
Quasi-Public Facilities			
Hospital		X	X
Schools, Private		X	X
Radio Station	X		X
Recreation Facility Commercial		X	X
Religious/Educational Institute			
Permanent	X		X
Temporary		X	X
Restaurant			
W/drive up window		X	X
W/o drive up window	X		X
Retail and Service Commercial			
W/drive up window		X	X
W/o drive up window	X		X
24 hour use		X	X
Retail Tobacco Specialty Business*	X		X
Shopping Center		X	X
Telecommunications Facility		X	
Transportation Facility			

Major		X	
Minor	X		
Vehicle-Related Use			
Rental		X	X
Sales (Minor)	X		X
Sales and Service (Major)		X	X
Filling Station		X	X
Repair		X	X
Warehouse/Distribution		X	X

A. *Additional Use-Specific Standards.*

1. *Medical Cannabis Pharmacy.*

a. *Proximity Restrictions.*

i. A medical cannabis pharmacy use shall meet the proximity requirements as specified and amended in Section [26-61a-301](#) of the Utah Code Annotated.

b. *Application Requirements.*

i. An applicant for a medical cannabis pharmacy use must provide a description of the physical characteristics of the proposed facility, including a site plan, floor plan, architectural elevations, and a security plan as part of the business license application for the use. Fencing and security devices must comply with applicable city requirements.

ii. When proximity restrictions include area in an adjacent municipality, an applicant for a medical cannabis pharmacy use shall obtain a letter from the adjacent municipality indicating proximity restrictions within this title are satisfied based on existing uses in the area in the adjacent municipality prior to issuance of a business license.

- c. *Parking.* A medical cannabis pharmacy use shall be considered a retail and service commercial, minor use for the purpose of calculating parking requirements.
- d. *Signage.* In addition to those requirements within this title, all signage associated with a medical cannabis pharmacy use shall comply with any requirements imposed by the state of Utah.

2. *Retail Tobacco Specialty Business.*

a. *Proximity Restrictions.*

- i. A retail tobacco specialty business use shall meet the proximity requirements as specified and amended in Section [10-8-41.6](#) of the Utah Code Annotated.

b. *Application Requirements.*

- i. When proximity restrictions include area in an adjacent municipality, an applicant for a medical cannabis pharmacy use shall obtain a letter from the adjacent municipality indicating proximity restrictions within this title are satisfied based on existing uses in the area in the adjacent municipality prior to issuance of a business license.

- c. *Parking.* A retail tobacco specialty business use shall be considered a retail and service commercial, minor use for the purpose of calculating parking requirements. (Ord. 2021-15 § 1 (Att. A); Ord. 2020-02 § 1 (Att. A (part)); Ord. 2016-15 § 1 (Att. A (part)); Ord. 2016-15 § 1 (Att. A (part)); Ord. 2015-05 § 1 (Att. A (part)); Ord. 2014-04 § 1 (Att. A (part)); Ord. 2/2/2010O-1 § 1(2) (part); Ord. 5/5/2009O-8 § 1 (Att. A (part)); Ord. 8/10/2004O-25 § 1(7) (part); Ord. 3-19-2002A § 1 (1) (part); Ord. 11-20-2001 § 2 (part))

The Midvale Municipal Code is current through Ordinance 2024-01, passed January 16, 2024.

Disclaimer: The city clerk's office has the official version of the Midvale Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.midvalecity.org](http://www.midvalecity.org)

[Hosted by Code Publishing Company, A General Code Company.](#)

17-7-12.5 Reserved.Outdoor storage.

~~Outdoor storage shall be a secondary use to the primary structure. No roof premises storage is permitted. Storage yards shall be located behind the primary structure and screened as follows:~~

~~A.—Fencing parallel to the street shall be made of CMU or decorative concrete painted to match the structure. The other fencing may be made of solid metal, CMU or decorative concrete. All fencing shall be six feet in height.~~

~~B.—Paving. The storage yard shall be surfaced with asphalt, recycled asphalt, or concrete.~~

~~C.—Height. Items stored within twenty feet of the fencing may not exceed the height of the fence. (Ord. 11-20-2001 § 2 (part))~~

The Midvale Municipal Code is current through Ordinance 2024-01, passed January 16, 2024.

Disclaimer: The city clerk's office has the official version of the Midvale Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.midvalecity.org](http://www.midvalecity.org)

[Hosted by Code Publishing Company, A General Code Company.](#)

17-7-12.7 Parking requirements.

An applicant for new development must provide off-street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles. If any land, structure, or use is changed to create more off-street parking demand, the owner must provide additional off-street parking for the new use as required by this chapter. Required parking must be on site unless the planning commission allows such parking on adjacent or nearby deed-restricted lots. Off-street parking shall meet the following standards:

A. *Driveway Widths and Parking Lot Standards.* The following driveway width dimensions and parking lot standards apply to all new development and to the expansion by more than twenty-five percent of an existing building mass or site size. The city engineer may approve minor variations (equal to or less than ten percent) in driveway width and spacing.

1. *Parking.* No parking is allowed within the required front yard setbacks.
 - a. If a parking lot or driveway to a parking lot is proposed to abut a residential use, the applicant must screen the lot or drive and provide adequate sight distance triangle.
 - b. *Required Landscaping.* The following landscaping standards apply to new development:
 - i. Parking areas with more than four stalls must have perimeter landscaping of at least five feet in width;
 - ii. Parking areas with over ten stalls must have a minimum of ten percent interior landscaping, and perimeter landscaping of at least five feet in width;
 - iii. Parking areas with over fifteen spaces shall provide landscaped islands at the end of each parking row, an island for every fifteen spaces, perimeter landscaping of at least five feet in width, and a minimum of ten percent interior landscaping.
2. *Driveway Standards.* For all new development, driveways shall comply with the following standards:
 - a. No driveway shall be less than fifty feet from intersecting rights-of-way.

- b. Commercial driveways that exceed fifteen feet in width at the lot frontage must be separated by a landscaped area of at least twelve feet in width and ten feet in depth.
- c. *Commercial Requiring Five or More Parking Spaces.* The minimum two-way drive width is twenty-four feet. The maximum two-way drive width is thirty-six feet.
- d. *Commercial Requiring Four or Fewer Parking Spaces.* The minimum two-way drive width is twenty feet. The maximum two-way drive width is thirty feet.
3. *Spacing.* New development shall provide the following:
- a. *Commercial.* A minimum of seventy-five feet spacing between major commercial driveways is recommended. Shared use of commercial drives is strongly recommended.
- b. *Centerline.* The centerline of intersections of the driveways of major traffic generators entering from opposite sides of roadway must be either perfectly aligned or offset by a minimum of one hundred fifty feet.
- c. *Deviations.* The city engineer may approve minor spacing deviations (equal to or less than ten percent).

Table 17-7-12.7A. Spacing

Street Classification	Minimum Spacing Between Driveways (feet)	Minimum Spacing From Intersection (feet)
Local	15	50
Collector	50	75
Arterial	75	150

- B. *Parking Garages and Structures.* Parking within a parking garage or structure requires:

1. *Aisle.* The minimum aisle width is twenty-four feet.
2. *Circulation.* The parking structure must be designed to ensure that each required parking space is readily accessible, usable and safe for automobiles and pedestrians.
3. *Location.* The parking structure shall not be located on a street frontage.
4. *Architecture.* Architectural relief shall be integrated into all facades to soften visual impacts and to provide a visual relationship with the surrounding structures.

C. *Parking Ratio Requirements for Specific Land Use Categories.* All new development shall provide parking according to the following standards. If a project incorporates two uses, the use requiring higher number of parking spaces shall govern. Whenever the calculation results in a fractional number, the number of spaces required must be rounded up to the next whole number.

Table 17-7-12.7C. Nonresidential Parking Ratio Requirements

Uses	Parking Ratio Requirement (Number of Spaces)
Assisted Living Facility	1 per 2 bedrooms plus 1 per employee per shift, or 2 per 3 employees per shift, whichever is greater
Auditorium	1 for every 5 seats or 3 per 100 s.f. of assembly area
Auto Repair	1 per employee per shift plus 4 per service bay
Car Wash	
Self serve	3 stacking spaces per wash bay
Automatic Tunnel (primary)	6 stacking spaces per wash bay
Automatic Tunnel (secondary)	8 stacking spaces per wash bay
Child Care Facility/Center	1 per on-duty staff per shift and 1 per 6 children
Entertainment Center, Theater	1 per 4 seats or 5 per 1,000 s.f. of floor area, depending on type of facility
Financial Institution	3 per 1,000 s.f. of net leasable floor area

Heliports	As determined by the planning commission, based on traffic generation study
Hospital	3 per bed
Hotel/Motel	1 per room or suite, and 1 per 200 s.f. of separately leasable commercial space
Master Planned Development	Determined by planning commission, based on proposed uses and potential for shared parking
Manufacturing	1 per employee in the largest shift plus 1 for each vehicle used in conducting the business
Offices, General	3 per 1,000 s.f. of leasable floor area
Offices, Intensive and Clinic, Medical	5 per 1,000 s.f. of leasable floor area
Public and Quasi-Public Institution, Church, School; Public Utility Uses; and Cemetery	The greater of: 1 per 5 seats, 2 per 3 employees, or 1 per 1,000 s.f. of floor area
Recreation Facility, Commercial	The greatest of: 1 per 4 seats; 5 per 1,000 s.f. of floor area; or 1 per 3 persons rated capacity
Retail & Service Commercial, Minor	3 for each 1,000 s.f. of net leasable floor area
Retail & Service Commercial, Major	5 for each 1,000 s.f. of net leasable floor area
Restaurant, Standard and Bar	1 for every 100 s.f. of net leasable floor area, including kitchen areas
Restaurant, with Drive-up	5 per 1,000 s.f. of net leasable floor area
Shopping Centers/Multi-Tenant Retail	3.5 per 1,000 s.f. of net leasable floor area
Storage Facility	1 for every 2 employees in the largest shift plus 1 for each vehicle used in conducting the business
Temporary Construction Sites	1 for every 2 employees in the largest shift plus 1 for each vehicle used in conducting the business
Vehicle Sales (Minor)	3 spaces, plus 1 per employee per shift and a minimum of 2 for customers

Vehicle Sales/Rental (Major)	1 per vehicle for sale or rent plus 1 space per 400 square feet of net leasable floor area
------------------------------	--

Warehouse	1 per 1,000 s.f. of floor area
----------------------	---

Wholesale Establishments	1 for every 2 employees in the largest shift plus 1 for each vehicle used in conducting the business and wholesale, storage uses at 1 per 1,000 s.f. of floor area
-------------------------------------	---

D. *Commercial Use Parking Standards.* Parking for new commercial uses shall comply with the following:

1. *Surfacing.* Parking areas and driveways must be hard-surfaced, maintained in good condition, and clear of obstructions at all times.
2. *Parking Space Dimensions.* All new commercial development shall provide parking spaces of the following minimum dimensions. The city engineer may approve minor (equal to or less than ten percent) variations in parking space dimensions.
 - a. Parking spaces must be nine feet wide by eighteen feet long;
 - b. ADA parking space width requirements vary and shall be consistent with current Building Code standards; and
 - c. Compact spaces with dimensions of nine feet wide by sixteen feet long may be provided. These spaces are not code spaces for the purpose of satisfying parking requirements.
3. *Grading and Drainage.* Parking shall be graded and constructed as follows:
 - a. Parking areas must be graded for proper drainage with surface water diverted to keep the parking area free of accumulated water and ice;
 - b. Adequate control curbs must be installed to control drainage and direct vehicle movement;
 - c. Parking area drainage must be detained on-site, treated (if required by NPDES), and channeled to a storm drain or gutter as approved by the city engineer;
 - d. Driveways may not exceed a ten percent slope.

4. *Street Access and Circulation.* New commercial development shall provide the following:

- a. *Off-Street Parking.* Off-street parking areas must have unobstructed access to a street or alley. The parking area design for five or more vehicles must not encourage cars to back onto adjoining public sidewalks, parking strips, or roadways. With the exception of permitted tandem parking, parking spaces shall be independently accessible and unobstructed.
- b. *Corner Lots.* No landscape obstruction is allowed in excess of two feet in height above street grade within the sight distance triangle. A reasonable number of trees with lower branches pruned to six feet to permit automobile drivers and pedestrians an unobstructed view of the intersection may be allowed by administrative permit.
- c. *Driveway Access.* For corner lots, the triangular area is defined by the intersection of the road right-of-way, the line extending from the point-of-curve at the top-back-of-curb, and a line connecting them at points twenty-five feet from their intersection.
- d. *Drive-Through Developments.* Applicants for all drive-up or drive-through service windows or facilities must provide sufficient stacking space for vehicles waiting for service, to prevent vehicles from waiting in the right-of-way.
- e. *Common Driveways.* To encourage the location of parking in the rear yard and/or below grade, the city allows common driveways along shared side yards to provide access to parking if the owner restricts the deeds to both properties to preserve the shared drive in perpetuity.
- f. *Off-Street Loading Spaces.* Every structure that is to be used for any purpose which involves the receipt or distribution of materials or merchandise by vehicle must provide and maintain adequate space for standing, loading, or unloading services off-street.
 - i. All such loading areas or berths shall be located so that no vehicle loading or unloading merchandise or other material shall be parked in any front yard or in any street or right-of-way.
 - ii. Loading docks and loading areas must be screened from adjoining property and public rights-of-way.

E. *Reserved.*

F. *Parking Lot Use.* A parking lot shall only be constructed for uses allowed within the zone in which it is located. (Ord. 2021-15 § 1 (Att. A); Ord. 2019-06 § 1 (Att. B (part)); Ord. 2015-05 § 1 (Att. A (part)); Ord. 2011-01 § 1 (Att. A (part)); Ord. 7/11/2006O-10 § 1 (Exh. A and C (part)); Ord. 3/18/2003O-2 § 1 (part); Ord. 11-20-2001 § 2 (part))

The Midvale Municipal Code is current through Ordinance 2024-01, passed January 16, 2024.

Disclaimer: The city clerk's office has the official version of the Midvale Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.midvalecity.org](http://www.midvalecity.org)

[Hosted by Code Publishing Company, A General Code Company.](#)