

## CITY COUNCIL MEETING *Minutes*



**Tuesday May 7, 2024**  
**Council Chambers**  
**7505 South Holden Street**  
**Midvale, Utah 84047**

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**MAYOR:** Mayor Marcus Stevenson

**COUNCIL MEMBERS:** Council Member Paul Glover  
Council Member Bonnie Billings  
Council Member Dustin Gettel  
Council Member Bryant Brown  
Council Member Heidi Robinson

**STAFF:** Matt Dahl, City Manager; Rori Andreason, HR Director/City Recorder; Garrett Wilcox, City Attorney; Glen Kennedy, Public Works Director; Nate Rockwood, Assistant City Manager; Mariah Hill, Administrative Services Director; Elizabeth Arnold, Senior Planner; Jonathan Anderson, Planner II, Wendelin Knobloch, Planning Director; Adam Olsen, Community Development Director; Cody Hill, Economic Development Manager; Keith Ludwig, City Engineer; Chief Randy Thomas, UPD; Chief Brad Larson, UFA; and Juan Rosario, Systems Administrator.

### **6:00 PM – WORKSHOP**

- **Bureau of Justice Assistance Grant Program Update**

Vanessa Guevara discussed the Bureau of Justice Assistance Grant the City is applying for again this year. The project begins October 1, 2024.

**BJA Summary:**

1. BJA (Bureau of Justice Assistance) FY24 - Office of Justice Programs Community Based Violence Intervention and Prevention Initiative Site-Based
2. Award is up to 2 million, no match
3. Has increased awardees from 8-12
4. This will be the 3<sup>rd</sup> consecutive year Midvale City in partnership with SLCo., have applied
5. Uplift Midvale will be submitting the grant application in the 2-step process:
  - a. Registration for the opportunity will be May 30<sup>th</sup>
  - b. Full application submission, deadline June 10<sup>th</sup>
6. We received feedback from past applications and will be adjusting our application. For example, it will now include finding a 'Credible Messenger' to support relevant target populations. These credible messengers will provide an active voice in our efforts to remove barriers in accessing services and increasing opportunities for populations disproportionately impacted by crime.
7. Awards will be used for:  
-A Credible Messenger, PTE (20-40 hours/month)

8. -40% of the awards will be used in partnership with an organization to provide culturally specific programs and interventions within the Midvale geographics area to at-risk youth and young adults.
  - a. using a RFP (Request for Proposals)
9. SLCo. Has our old application and have offered to write and submit our application with
10. The 36-month project period begins October 1, 2024

Matt Dahl said this will help expand what Vanessa Guevara is doing in the community.

Mayor Stevenson said Magna actually received this grant last year, so they are using it now to expand services.

- **Strategic Plan Follow-up**

Matt Dahl reviewed the draft Strategic Plan document that was created by the Council during the budget retreat in March, 2024. He said he would like to distribute the plan to the employees at the all-employee meeting on May 20<sup>th</sup>.

Council Member Dustin Gettel said the City website is not working like a new website should. He has heard from others that it's not working well. The Engage Midvale signup banner does not go away after it's been checked.

Matt Dahl said he has heard that some residents are having trouble navigating to the correct forms to sign up for utilities

## **6:30 PM – REGULAR MEETING**

Mayor Marcus Stevenson called the business meeting to order at 6:31 p.m.

### **I. GENERAL BUSINESS**

#### **A. WELCOME AND PLEDGE OF ALLEGIANCE**

#### **B. ROLL CALL** - Council Members Heidi Robinson, Dustin Gettel, Bryant Brown, Bonnie Billings, and Paul Glover were present at roll call.

#### **C. UNIFIED FIRE AUTHORITY REPORT**

Chief Brad Larson discussed the first quarter report. The call volume was 888 total incidents with 389 emergent incidents requiring a paramedic to respond. Stations 125 and 126 responded to 98% of calls with 96% of ambulance responses coming from Midvale stations with an emergent time of 4 minutes 28 seconds.

He said that just this morning the UFA Board Finance Committee met, and they presented their budget to the board. Once that's approved, they will move onto next year's budget.

Chief Larson said there are 26 recruits graduating on May 15<sup>th</sup>. He quickly recapped what the recruits were required to do to graduate and how difficult it is to achieve. The captains promotional process has concluded, 49 took the written test with 20 moving to the official

promotion list. Those 20 will be promoted as openings occur. He said they expect to exhaust the final list due to a lot of movement with retirements and other promotions.

The Chief said the Wildland Division is currently in training for two weeks to prepare for wildfire response and the fireworks restriction map is ready to post on June 1<sup>st</sup>.

Chief Larson announced that the City has two new ambulances, one at Station 125 and one at Station 126. The crews were able to show off the new ambulance as well as station tours during the pancake breakfast. The City also has a new fire engine ready to go at Station 125.

The Chief delivered a safety message to the community about possible spring run-off issues. He reminds citizens to use caution around fast-moving water, don't stand near the edge of water, do not jump in to rescue a pet or person. The best thing to do is throw them something to hold onto and call for help. Additional safety information will be available on the City website.

The Chief recognized Police Sergeant Hooser that was killed this last weekend in Santaquin.

Mayor Stevenson added his excitement about the new ambulances and fire engine, they have been waiting two years for those and everyone is happy to finally have them.

## **II. PUBLIC COMMENTS**

Mike Dansie said one of the planners wants to change the width of an apartment approach from 35 ft to 50 ft. They have always had the 35-foot drive and cannot meet the 50-foot drive and they are trying to sell their property. He said a month ago he attended another meeting and was told the 50-foot requirement would be waived for him, he just wanted to make sure it was.

Adam Olsen said this was the discussion on the private vs public streets, which the Planning Commission was not in favor of. It is on the agenda for discussion with the Council that evening.

Matt Dahl asked Adam Olsen to speak with Mike Dansie after the meeting about the difference between existing roads and the effect of future roads.

Shufi Pan, announced a new sushi restaurant opening called Sukiya Sushi Buffett, with the goal of becoming Utah's destination for sushi. They will offer over 40 special rolls, Sashimi, and all varieties of fresh fish. There are only a few restaurants in Utah that provide sushi similar to the sushi in Japan. The new restaurant is located in Midvale close to city hall and will be opening soon in the month of May.

## **III. MAYOR REPORT**

Mayor Marcus Stevenson said a pancake breakfast was held at Fire Station 126 on 7200 South where an earthquake simulation trailer was located that everyone seemed to enjoy. The City also officially opened the Jordan Bluff's Park next to the Zion's Bank Building off 7800 South and Center Street. He reported that the Unified Police Department is still in negotiations with SLVLESA. The Sheriff's Office asked for \$5.8 million dollars and SLVLESA approved \$4.4 million, which was less than what they asked for but a 63% increase over what they had previously been awarded. The townships now have to cut 2.5% from their budget to make that work. With that said, they have come to an agreement, and it shouldn't affect Midvale City's budget.

Mayor Stevenson also talked about the Unified Fire Authority budget retreat, stating that the budget has not been approved yet, but they are asking for a 5.5%-member fee increase. Kearns wants to add a new ambulance fully staffed with 8 new full-time employees and bring in a new fleet mechanic to avoid outsourcing.

#### **IV. COUNCIL REPORTS**

**A. Council Member Bonnie Billings** – thanked those in attendance for coming to express their opinions.

**B. Council Member Paul Glover** – said there is a lot of water this spring and the mosquitos are out. He reminded residents to remove any standing water on their property to help avoid mosquitos.

**C. Council Member Heidi Robinson** – had nothing to report.

**D. Council Member Bryant Brown** – said he has noticed that the Axiom apartment complex on State Street, dividing Sandy and Midvale, has a commercial component in front. The Sandy City side has been built out, but they've dumped all the dirt on the Midvale side. He would like to discuss a solution to what can be done to help develop that area. Midvale code should not allow developers to leave piles of dirt on State Street.

Adam Olsen said that code enforcement could go out and cut down the weeds. He said there is a site plan currently in process that will address the problem.

**E. Council Member Dustin Gettel** – said he attended the Jordan Bluffs Park dedication and enjoyed participating in the kite flying and decorating event. He reported that the animal services board he serves on is ready to launch a mobile pet clinic that will meet at member cities twice a year. They will provide low-cost spay and neuter services. He will let everyone in the community know when it's available. He also welcomed those in attendance at the meeting.

#### **V. CITY MANAGER REPORT**

**A. Matt Dahl, City Manager** – had nothing to report.

#### **VI. PUBLIC HEARINGS**

**A. CONSIDER REZONE REQUEST TO ADD THE REGIONAL COMMERCIAL RESIDENTIAL OVERLAY ZONE TO A PROPERTY LOCATED AT 7001 S. 900 E.**

Wendelin Knobloch said 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.

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

Originally, the item was placed on the March 13, 2024 Planning Commission agenda until the applicant withdrew it and made revisions to the concept. It was then readvertised for the April 10, 2024 Planning Commission agenda and received considerable written and verbal public comment which is captured in the Planning Commission minutes. Please note that verbal comment was captured as part of the minutes for this item, written comment was placed at the end of the minutes. The Planning Commission unanimously recommended denial of the application after thorough consideration and debate.

The hearing was advertised in the following manner: (1) a sign that was placed on the property, (2) a notice posted at City Hall, on the City website, and on the Utah Public Notice website, and (3) a notice letter that was sent out to property owners within 500 feet of the subject property. The advertising process was conducted for each public meeting that showed this application on its agenda, i.e. three times (for the 3/13/2024, 4/11/2024, and 5/7/2024 meetings).

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 with bold sections added for emphasis; yellow sections are staff responses for the March 13, 2024 Planning Commission meeting, and green sections show staff responses that refer to the new concept for the April 10, 2024 Planning Commission and May 7, 2024 City Council meetings:

**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). Update 5/7/2024: The Planning Commission indicates in its 4/10/2024 motion that it does not believe that this criterion has been met.

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.

Update 5/7/2024: The Planning Commission indicates in its 4/10/2024 motion that it does not believe that this criterion has been met.

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.

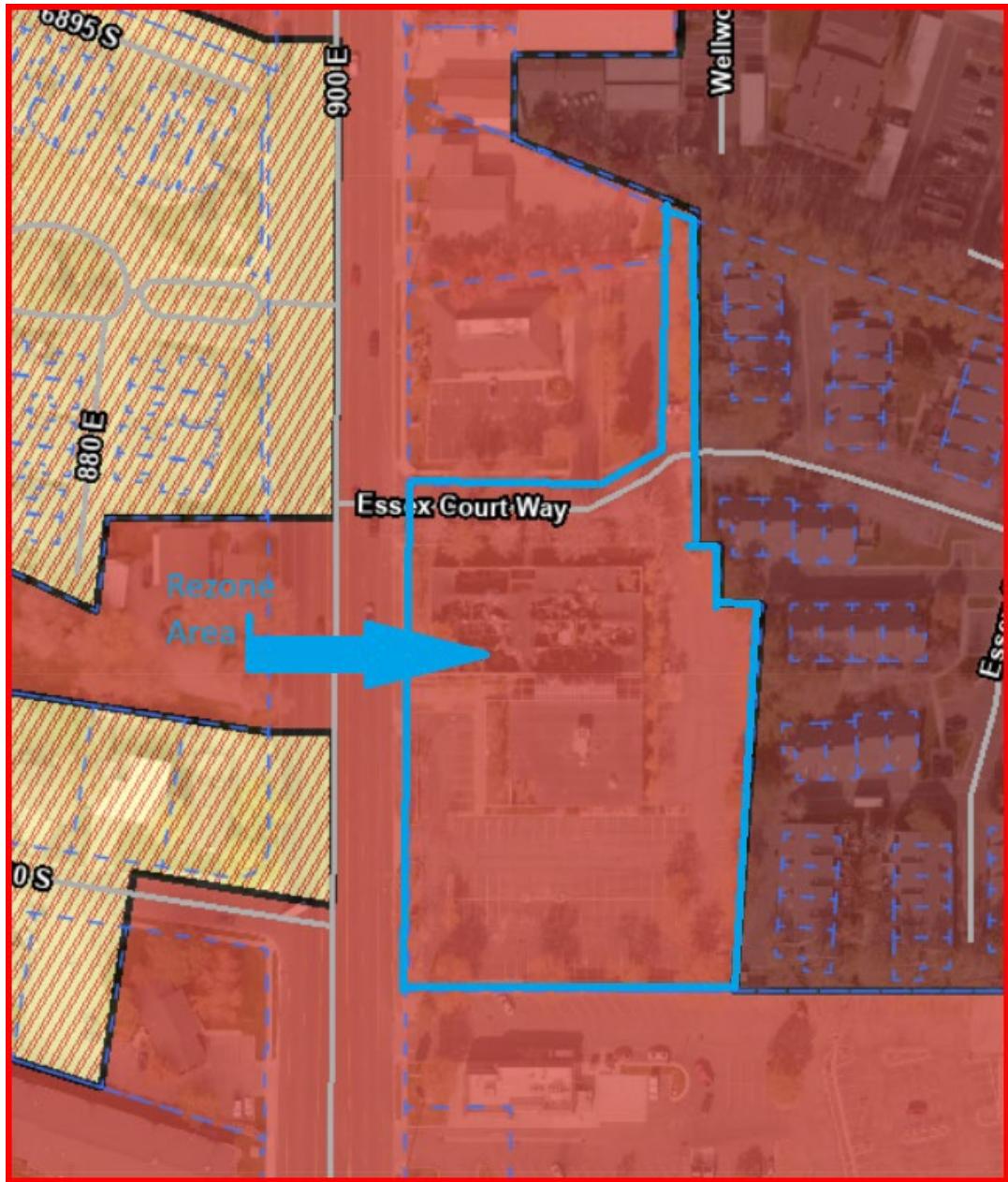
If the City Council believes that satisfying the community need for housing is the main consideration in this case and outweighs burdens associated with dense development, then, based on MMC 17-3-1 and 17-7-12.1.1, Staff advises that the City Council recommend approval of the Zone Map Amendment.

If the City Council 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 City Council recommend denial of the Zone Map Amendment.

Potential findings could be as follows:

1. The subject property abuts the northern edge of the Fort Union Opportunity area within the 2016 General Plan.
2. The application does/does not fulfill the City Code requirements (MMC 17-3-1 (E), MMC 17-7-12.1.1) for a zone map amendment.

Wendelin Knobloch reviewed the following:



## Context: Zoning

### RC (Regional Commercial)

- Maximum Height: 75 feet
- Uses:
  - Assisted Living
  - Carwash
  - Financial Institution
  - Hotel/Motel
  - Office
  - Hospital
  - Restaurant
  - Shopping Center
  - Warehouse/Distribution
  - Retail & Services
  - Etc.

### RCRO (Regional Commercial Resident. Overlay)

- Maximum Height: 85 feet (plus roof, elevator etc.)
- Uses:
  - Multifamily
  - Mixed-Use

## Zone Map Amendment Process

Planning Commission Holds  
Hearing & Recommends Approval  
or Denial to the City Council  
(UCA 10-9a-502)



City Council Takes Action  
(UCA 10-9a-502)

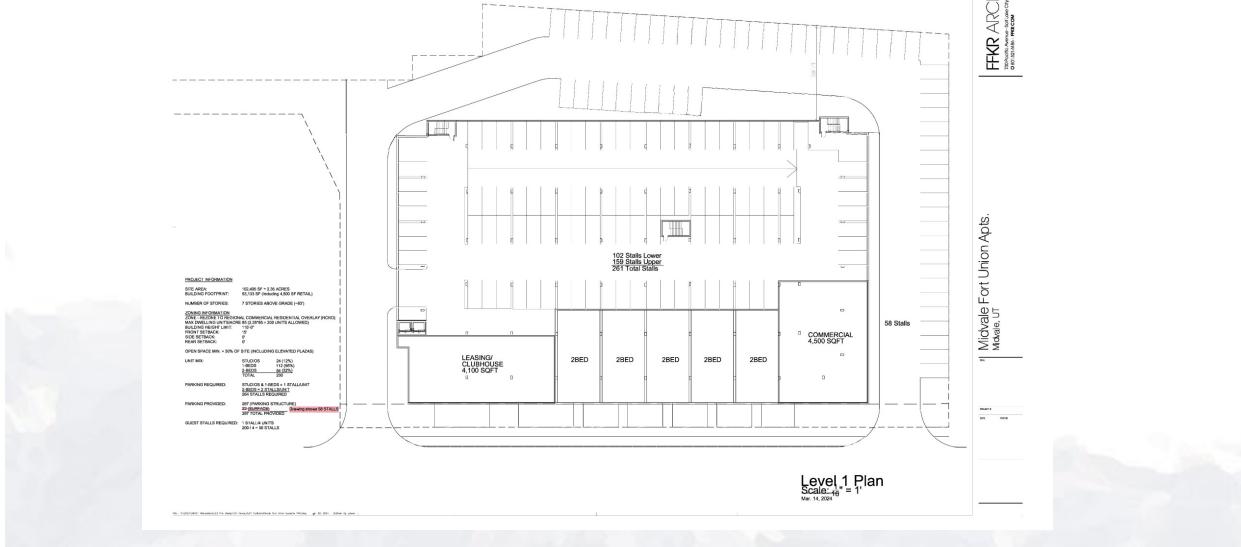
## Public Comment

- Comments and Planning Commission minutes were provided to the City Council.
- Several comments were submitted more than once.
- All comments were negative and addressed concerns such as traffic, views, height, parking, property values.

## Planning Commission Recommendation

- Planning Commission unanimously recommended denial of the application.

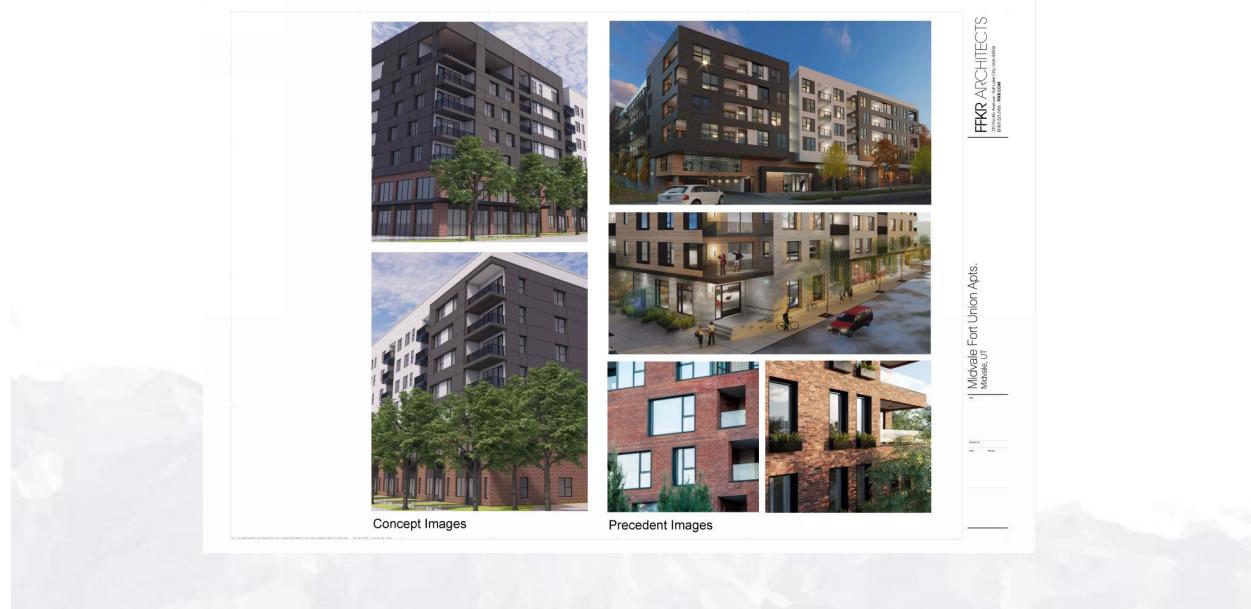
## Concept



## Concept



## Concept



## Concept



## Proposed Amendment-Criteria I

- 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.**

MMC 17-3-1 (E)

Council Member Dustin Gettel said residents have said the public hearing was not noticed properly.

Wendelin Knobloch reviewed the noticing requirements that were met as well as sending out letters through the County. The addresses within the County system are not always complete. Essex Court has an address but not unit numbers so many of those letters were returned. He explained that Midvale City chooses to notice beyond what the State Code requires.

Garrett Wilcox confirmed that the Planning Department met the State noticing requirements, he referred to the State Code.

Adam Paul, Developer, said he has been a developer for 25 years. The property owner has owned the property for more than 25 years and is planning to continue ownership during and after the redevelopment of the property. They would like to provide a more active, walkable space for the area. They aim to provide a development that will enhance the neighborhood and provide much needed housing to the area with very little negative impact on the buildings that are currently there. Adam Paul stressed that they are willing to agree to a development agreement and stick to it.

**MOTION:** Council Member Paul Glover MOVED to open the public comment portion of the public hearing. The motion was SECONDED by Council Member Dustin Gettel. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

Dennis Poole, on behalf of KMD Development, began by reading the noticing requirements in Midvale City's Code. He then went over the General Plan and Master Plan of Midvale City. He interprets the code to say the zone can be changed if the changes were not anticipated and he believes this use was anticipated and studied as part of the Master Plan. If this zone is approved, he urged the Council to look at the consequences, they are planning 85 units per acre equaling 200 units. This is not consistent with the neighborhood.

Ed Kimball, Essex Court, said he has lived there for 31 years. The homeowners of Essex Court are opposed to the rezoning. The Essex Court Community currently has a park-like atmosphere, and they believe the most important issue regarding this zoning change is the destruction of the tranquility and quality of life established 45 years ago before incorporating into Midvale City. There is only one way in and out of the Essex Court neighborhood. Adding 264 vehicles to that street will cause traffic congestion. Please consider the impact on the existing neighborhood and community.

Matthew Randall, concerned citizen of Midvale, discussed safety issues along 900 East. The area has seen multiple tragic accidents, some fatal, with moving vehicles as well as vehicles parked on the street. A drunk driver drove off 900 East into his house; he just finished repairing the damage. These experiences as well as the many apartments that surround the area are why he is opposed to this development.

Arlo Hancock, Essex Court Resident, pointed out that the height limits on the current zoning are stated wrong. His concern is about the lack of access that currently exists and the utility problems the residents of Essex Court already deal with will get worse. He's worried about another fire.

Raymond Christy, resident of Essex Court, said the traffic is horrendous. A building that high will reduce the amount of sunset his property receives in the evenings. Zoning changes can't enhance the life, comfort, and safety that currently exists in Essex Court. It's his home, he urged the Council to please consider the human aspect of where they live. The area shouldn't be rezoned for a larger facility that will add more traffic on 900 East.

Megan Theorine, Essex Court resident, is a teacher and she knows teenagers. If this is allowed to be residential, more traffic will affect the safety of students attending Hillcrest High School. The shadow of the building will affect her directly with shade on her property.

Gordon Cook, 19yr resident of Fair Meadows on the West side of 900 East, is concerned about crime and the impact on the communities. His community decided to gate their community based on cars cutting through the Fair Meadows community. He sees crime growing with more people and that will impact and strain on police and fire resources.

Kathy Taufer, chairperson for Fair Meadows homeowners' association, pointed out that her community has two entrance and exit choices; Essex Court does not, they only have

900 East. The infrastructure in the area can't support 200 more units and the grocery stores can't support a resident increase like that.

Sam Kingore, resident of Essex Court, recapped the email comments he sent in. Nothing has been provided to show a commercial/residential balance, this project proposal is almost all residential.

Jeri Gooding, Fair Meadows resident, stated that an apartment building is currently being built down the street where RC Willey used to be. The area doesn't need another 200 units.

David McBride, 6947 South 900 East, said he is opposed to the development. He read the municipal code, this development will not support or improve pedestrian traffic. There are already parking problems for the existing businesses; this will not improve those problems.

Mandy Bird, resident of Fair Meadows, said she sees an issue of foot traffic safety, there needs to be more easement for the area to be walkable. Emergency responders will have a difficult time getting through with more traffic and residents. More cars will add to the air quality issues as well. She doesn't like the impact the height of the buildings will pose.

Julie Rivera, Essex Court resident, said she was speculating on the number of people 200 units will bring into the area, which is mind boggling. She bought her home just days before the building at the proposed location burnt down. She said wondering what will happen with the property has been stressful.

Emy Cordano, Essex Court resident, said she is very opposed to the overlay. The height level is of concern to her. The current code only allows up to five stories, and this proposal is for seven stories. The building will be a monstrosity for the area. She questioned why the developer applied for such a high building; she isn't as opposed to a shorter building. She pointed out that only one side of the property is in a commercial zone, the remaining zones are residential.

Mikel Hanni, Essex Court resident, said she is opposed to the height of the building as well as the increased traffic and people. She would like to see a legacy style of community that would preserve the character and integrity of the neighborhood.

Ida Baghoomian, the property owner of the property in question, said the owners do care about the community. She has friends that live in the Essex Court community, and they do matter. It was important for the owners to find a developer they could trust to work with the community. It matters to them that this becomes a partnership with the community where they listen to each other and make accommodations for each other.

The following comments were submitted prior to the Council meeting:

Proceedings of City Council Meeting  
May 7, 2024

**POOLE & ASSOCIATES, L.C.**  
ATTORNEYS AT LAW

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April 9, 2024

VIA [planningj@midvale.com](mailto:planningj@midvale.com)

**Midvale City Planning Commission**  
7505 S. Holden Street  
Midvale, Utah 84047

**Re: Adam Paul – Zoning Map Amendment**  
[REDACTED] Midvale, Utah

Dear Commission Members:

This firm represents KME, LLC, a Utah limited liability company (“KME”), managed by Mr. David McBride who is the owner and operator of Sovereign Financial Group (“Sovereign”), an insurance and investment firm with offices located at 6947 South 900 East, Midvale, Utah. On behalf of KME and Sovereign, we respectfully submit this letter in opposition to the Zoning Map Amendment.

**I. STATEMENT OF REQUEST**

Mr. Paul has requested a Zone Map Amendment to add the Regional Commercial Residential Overlay Zone to a property located at [REDACTED] Midvale (the “Paul Property”). The Paul Property is located on the east side of 900 East, one tenth of a mile north of the intersection with Fort Union Blvd. KME and Sovereign are located to the north of the Paul Property separated by a private easement which provides access to the KME Property to the north, and Essex Court Condominiums (consisting of 134 condominium units) to the east. A fast-food restaurant is located immediately to the south of the Paul Property. Further south and east of the fast-food restaurant are additional commercial use sites all of which are north of Fort Union Blvd. South of Fort Union Blvd is a major shopping center extending from 700 East to South Union Park Avenue.

The Paul Property is currently located within a Regional Commercial (RC) zone. Mr. Paul is requesting that a Regional Commercial Residential Overlay Zone (“RCRO”) be imposed upon the Paul Property.

KME and Sovereign oppose the request for the RCRO overlay zone asserting that Mr. Paul cannot satisfy the requirements for a zone amendment.

## **II. Requirements for a Zone Amendment.**

The Staff Report to the City Planning Commission recites that Planning Commission quotes the Midvale Municipal Code (“MMC”), Sections 18-3-1 (E) and Section 17-7-12.1.1 (RCRO) setting forth the criteria for a zone amendment and stating in substance that for a zone amendment to be made, there must be “findings” set forth on the record which justify the amendment. KME and Sovereign will set forth each of the requirements and argue that Mr. Paul fails to establish sufficient criteria to support the requested amendment.

KME and Sovereign’s arguments are as follows:

### **A. Preliminarily, Section 18-3-1 (E) specifies as follows:**

**“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:

**Argument:** The foregoing language states that a rezone is not favored and only allowed under limited circumstances. Based upon the foregoing language, first, there is a presumption against granting a rezone request, and second, the burden to demonstrate the right to a rezone is upon the applicant. KME and Sovereign argue that Mr. Paul fails to carry his burden. The criteria are listed in Section 18-3-1.

#### Requirement No. 1:

**“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;

**Argument:** While the staff report states that a “map amendment is not necessary to comply with the 2016 General Plan because it is not included in the Fort Union Opportunity Area”, that conclusion is inaccurate and misleading. Mr. Paul is requesting the “creation” of a new designated overlay zone that is not identified on Midvale’s Master Plan, nor is it contiguous to an existing Opportunity Area. The request is not merely to extend the boundaries of an existing zone, but to create a new RCRO zone consisting solely of the Paul Property. This is a classic example of “spot zoning”. Spot zoning is not only discouraged but prohibited.

Nor does the proposed spot zoning satisfy the requirements of Section 17-7-12.1.1 which sets for the proposed goals of an “Opportunity Area.” The goals are:

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

- B. Creates a consistently high quality urban environment;
- C. Enhances the investment of those locating within the regional commercial zone;
- D. Promotes economic development by increasing the utilization of existing parcels within current developments;
- E. Eliminates large underutilized surface parking areas by utilizing alternate parking methods, including but not limited to structured parking and shared parking;
- F. Provides compatibility between residential and commercial uses to create a comfortable environment for both shoppers and residents; and
- G. Provides pedestrian connections within and among developments to support pedestrian activity in existing auto-oriented developments and encourages pedestrian movement.”

(Additional argument in support of denial is made in Section B below with respect to some of the lettered paragraphs above.)

These goals establish that the RCRO is intended to be used for as part of a larger area (a region), not a single project site. The use of words such as “help... regional commercial shopping centers into vibrant mixed-use developments”, “utilization of existing parcels within current developments”, “provides pedestrian connections within and among developments to support pedestrian activity”, and others, suggests that the RCRO is intended to “enhancing existing commercial areas” (not just one) to provide standards, within the “regional commercial zone” (more than one site). The RCRO was not intended to be used for a single parcel and therefore Mr. Paul’s request fails.

Secondly, the additional requirement of Requirement No. 1 is that a “rezoning is necessary... to provide land for a community need that was not anticipated at the time of adoption of the general plan.” The staff report asserts that the use of the site for residential housing would fulfill a community need; however, the staff report ignores that the Midvale City 2016 Master Plan identified housing needs as part of that plan and the plan as adopted in 2016 provides for housing. Thus, the need for housing is not a need “that was not anticipated at the time of adoption of the general plan.” Housing needs are addressed in the master plan and should not be now addressed for this requested map amendment. Consequently, Mr. Paul’s request for a map amendment fails this requirement.

Requirement No. 2:

“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 “

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Argument:

The staff report acknowledges that “the existing zoning is well reasoned and does not represent a clerical error or mistake of tact.” As such a map amendment as requested by Mr. Paul, is not justified.

Requirement No. 3:

“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.

Argument. The staff report concludes that the land only has changed because of the prior fire, and although redevelopment is in the public interest, “however, the concept may not be conducive to the specific goals set in the RCRO Zone”. This is consistent with the argument set forth in Requirement No 1 above. The use of a RCRO zone is to be used to “support the growth of a region (see Section 17.7-12.1.1) not an individual parcel. A zone map change request seems to be motivated solely to assist this one parcel.

B. **Section 17-7-12.1.1. specifies** as follows:

Section 17-7-12.1.1 which sets for the proposed goals of an “Opportunity Area.” KME and Sovereigns restates the Section goals and why the intended project does not meet those goals.

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

Argument: The Paul Property sets outside of the boundaries of a regional commercial shopping center and therefore this stated goal has no application to the Paul Property.

“B. Creates a consistently high quality urban environment;”

Argument: The statement demonstrates that the RCRO is intended for “regional” application as one parcel can not create a “consistently high-quality urban environment.” Furthermore, the proposed seven-story building is not consistent with the existing urban environment which contains residential housing not exceeding two-stories in height.

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

Argument: This goal again emphasizes that the RCRO zone is to be regional, intending to enhance the investment of many, not solely that of a single owner. As noted by staff, the adoption of this zone map change could result in negative consequence to existing adjacent owners.

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

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Argument: This goal again emphasizes that the RCRO zone is regional for the benefit of many developments. The goal is not intended to be reviewed solely for the benefit of a single parcel.

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

Argument: This goal again emphasizes that the RCRO zone is regional for the benefit of many developments utilizing shared parking, not just one site.

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

Argument: As the staff report initially stated, the “monolithic nature of the structure ... does not acknowledge the residential environment to the east”. Nor does the size of the proposed structure provide compatibility in mass, height and density with any of the surrounding uses north, east, south or west. It merely is intended to be monolith on an island by itself.

“G. Provides pedestrian connections within and among developments to support pedestrian activity in existing auto-oriented developments and encourages pedestrian movement.”

Argument: As the staff report does not directly address any use of pedestrian connections because the requirement is intended for “regional” developments, not a single development. The staff does suggest some compliance with commercial uses; however, close examination of the intended “commercial” use is merely a rental office and facilities for the primary intended use of the facility. This limited commercial use does not encourage use among adjacent sites.

C. Summary. The application for a RCRO overlay zone is seemingly a request intended to allow for greater height of a building and therefore more density than might be permitted in the current zone (RC). That purpose is not a legitimate reason that satisfies any of the requirements for a zone map amendment as requested by Mr. Paul. Having failed to establish any basis for an amendment that could support findings consistent with the criteria set forth above, the Planning Commission must deny the request and refuse to make a recommendation for a zone map change. In the absence of evidence satisfying the criteria, any recommendation would fail any subsequent challenge.

KMI and Sovereign reserve the right to make specific objections to the proposed project should an application for condition use be sought at a later date.

Very truly yours,

POOLE & ASSOCIATES, L.C.

Dennis K. Poole

Cc: KME and Sovereign

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April 9, 2024

Samuel Kingore

Midvale UT, 84047

Midvale City Planning Commission and Staff  
7505 S Holden Street  
Midvale UT, 84047

RE: Zone Map Amendment to add the Regional Commercial Residential Overlay Zone to a property located at 7001 S 900 E. Additional exhibits regarding a proposed 200 unit seven story apartment building.

To: Midvale Planning Commission and Staff

**Physical Conditions Not Considered or Discussed**

Over 47 years ago when Essex Court was built it was in Salt Lake County. At that time there were new types of housing constructed to create a more urban environment. These are row houses grouped as 4 homes next to one another with separation walls. They are only two stories in height. Anyone looking at them understands that these are single family dwellings placed next to one another. Essex Court is maybe 2 or 3 times as dense as a regular single-family development and the impact is therefore 2 to 3 times that of single family homes since more people live there.

If zoning is changed with a Residential Overlay there could be a 85' tall 7 story apartment building next to a single family home. This is a goliath next to a small toddler by comparison. The difference is extreme and can't be ignored. The required setback to single family per 17-7-12.1.3 B is 160 feet. A setback like this would begin to address the impact. This is why I was shocked to hear a seven story 200 unit apartment development is proposed.

This physical reality of the height and density of proposed development next to Essex Court needs to be acknowledged and addressed. Essex Court precedes adjacent development and has many more years that it will remain as constructed in its current state. Essex Court predates any real city planning or zoning which acknowledges or understands the impacts of adjacent development. All surrounding development was either one or two story in the case of the medical building that burnt down at 7001 S 900 E. It is questionable if the current zoning or conditions of the access easement even consider what is experienced by residents on a daily basis.

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**Traffic on S 900 E**

Going in and out of Essex Court at S 900 E has been a challenge, especially during commute hours. The worst has been coming from the north and turning left into the development only to be met head on by vehicles turning left into Fairmeadows Condominiums on the west side of S 900 E. I can hardly image what this is going to be like if almost 300 additional cars are added as part of a seven story 200-unit apartment building. How is this supposed to be safe? A traffic study is needed to determine how to mitigate this issue and consideration needs to be given to an appropriate entry and exit to any future development at 7001 S 900 E. Otherwise such a development is endangering people's lives.

Sincerely,



Samuel & Edith Kingore

Resident – Essex Court

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April 7, 2024

Samuel Kingore

Midvale UT, 84047

Midvale City Planning Commission and Staff  
7505 S Holden Street  
Midvale UT, 84047

RE: Zone Map Amendment to add the Regional Commercial Residential Overlay Zone to a property located at 7001 S 900 E. Additional exhibits regarding a proposed 200 unit seven story apartment building.

To: Midvale Planning Commission and Staff

**Public Notification Process is not Complete**

I am a homeowner and resident of a condo unit within the land locked Essex Court complex to the east of the subject property. I have not received any formal notification from the City regarding this proposed zoning change within any reasonable time as is required by City code. The only way I have been able to learn of this is through the Essex Court Condominiums Homeowners Association. Every homeowner, including myself, exists out an easement to reach S 900 E. Any impact of development affects us all and therefore it should be required that all be notified with sufficient time to respond or decide to attend the meeting. I understand from speaking with City Planning Department staff that only a 500' notification was followed. I've never seen a sign posted at property and I drive in and out of Essex Court every day. This is a case where those standards fall terribly short of what is required. It should be clearly understood that when city code, standard practice, or custom fall short of what is required for a specific circumstance that the professional City staff exercise their best judgment to ensure that the public process can proceed at the highest level and meet their obligations as public servants. In this case the city performs the notification on behalf of the application and is responsible for a complete process. County tax records exist for all property owners and should be used to ensure notifications are sent regarding any future communications.

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**Regional Commercial Residential Overlay is not proven applicable at 7001 S 900 E**

This proposal to make a major zoning change by adding the Regional Commercial Residential Overlay Zone as found in the updated Staff Report 04/10/2024 is premature. Currently the report does not present any studies, reports, or analysis in support of this proposed change. The findings contradict the City code and completely ignore adjacent properties, such as Essex Court. It is also distracted by a proposed development when the focus should be on the zoning change first. This does not seem to be the appropriate venue to discuss anything but hypothetical or potential projects. Project falls short of complying with Residential Overlay as follows (see Midvale MC 17-7-12.1):

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

This is not a regional commercial shopping center with extensive surface parking. Even though the RC zoning permits such a development the size of the parcel appears to not be sufficient to co-locate commercial and the residential component. The residential overlay is only relevant and applicable within a RC zone so that the size and mass can be mitigated by lower buildings and surface parking. By specifically identifying shopping centers, use of the property is a key component which does not exist at this location, nor is it proposed. This is use is not present adjacent to property.

**B. Creates a consistently high-quality urban environment.**

This concept has not been defined, is subjective and has been distracted by discussion of a potential project. The general understanding of 'high-quality' is that all uses and adjacencies are enhanced and supported. The previous staff response appears to bring up issues, but the current updated response does not address the real issues. No analysis of potential impacts to easement access between the internal Essex Court Development and future development are discussed. What is the maximum potential auto, pedestrian, bicycle, utility, fire, first responder impacts? If maximum development occurred at Essex Court as allowed by current zone and the overlay plus commercial are considered is this too much for the easement access? Does it exceed city infrastructure limits, transportation design, water supply, waste treatment, etc.

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

Apparently.... but adjacent impacts from Essex Court to 7001 S 900 E are considered then the overlay sets up an opposing impact which diminishes and limits the investment. Since Essex Court predates all previous developments, it has seniority and should receive deference.

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

Understood that any development of the vacant parcel is positive utilization.

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

This site did not previously have a large, underutilized parking area. The previous medical building appears to have covered more than 50% of the property with building and landscape. The current site is vacant due to the previous building fire. The site does not represent an underutilized parking area such as can be found in the nearby RC zoned areas. Any project will be ground up and adding the Residential Overlay should define and dictate how future parking should be accommodated. Adding a potential 200+ units to the site with the Residential Overlay would require a parking garage. Any development should provide a parking plan.

All current proposals are not following the guidelines and impact the adjacent access. Current public transportation reductions to the site (no bus line) continue to make this an automobile dependent site. Based on current experience required parking calculations as dictated by code may not meet current or real demand. If this is to be appropriately addressed, traffic studies and parking analysis needs to be conducted. Current proposal does not provide required commercial parking.

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

This is a description of a balanced use with pre-existing retail. Staff report only addresses massing. Based on size of property it seems unlikely that there can be sufficient retail incorporated into a proposal that favors residential development to the maximum. No market analysis is done to demonstrate what size of retail is viable at this location and how this will be then balanced with residential. A feasibility study is required for both residential and commercial retail to claim the intent is being met. A reliance on offsite distant commercial/retail to the south which is marginally walkable is not discussed and further confirms that this is an automobile dependent site. How is this a ‘comfortable environment’? Adjacent residential is already sufficient to justify support of commercial as previously developed. Adding more residential needs to be in addition to a viable commercial/retail tenant so that parking reductions/impacts can be considered. Given the parking demand for viable retail it appears that a subterranean parking garage would be the only solution for this site with a Residential Overlay. If residential is the only viable economic pursuit at this location, then a complete rezone should be considered. A re-zone to RM-25 should be studied since this is congruent with Essex Courts zoning.

***G. Provides pedestrian connections within and among developments to support pedestrian activity in existing auto-oriented developments to support pedestrian activity in existing auto-oriented developments and encourages pedestrian movement.***

Pedestrian connections within a proposed development can be reviewed when a development is proposed after the zoning change. Provision of pedestrian connections “among developments” can be discussed now. Essex Court Condos is land locked; therefore, priority is to encourage pedestrian connection through the easement to the sidewalk at S 900 E. Modification of the easement or conditions of approval of any zoning change should consider requiring a public sidewalk with planter strip. If any parking drive lanes cross the walk care should be taken to encourage slow

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speeds and minimize auto/pedestrian conflicts. Currently residents take their children to S 900 E for a school bus pick-up, so a safe pedestrian route is a priority. Current project does not demonstrate any pedestrian connection for Essex Court nor appears to encourage safe routes with a parking garage exit directly adjacent to pedestrian path.

**Summary Review of Staff Report:**

1. Report does not provide sufficient factual studies or information to justify application of Residential Overlay. I do not recommend any action by Planning Commission at this time until it has been determined that findings are complete, and that the public has been duly notified.
2. Key elements required by Residential Overlay are not discussed or explored.
3. Proposed project is not in alignment with Residential Overlay.
4. Regional Commercial zoning is not discussed and is a pre-requisite for addition of Residential Overlay. If residential development is preferred, then a re-zone of property should be considered. Only other residential zoning options should be considered as a Residential Overlay is dependent on a Regional Commercial zone.
5. City is obligated to inquire of its own departments regarding potential impacts on infrastructure for any zoning change or development. This is how General Plans are developed. This includes public works, transportation, life-safety (police), fire, refuse collection, utilities, etc. If there are not City resources for this, then the developer should be obligated to provide reports.
6. A size of this development adjacent to residential should pursue evaluation of health, safety and environmental impacts including an opportunity to promote a sustainable community. Following studies should be provided for any future project:
  - a. Traffic Study
  - b. Noise Study
  - c. Environmental Study
  - d. Light – shade study
  - e. Site access study to property and Essex Court
  - f. Infrastructure analysis – will any City infrastructure need to be upgraded as a result of future development.
  - g. Sustainability Plan.
7. Community Engagement – For a successful urban development I would recommend community meetings/workshops.

Sincerely,



Samuel Kingore

Resident – Essex Court

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**FW: Public Comments for 5.7.24 City Council Hearing zoning change request for 7001 S 900 E**

Midvale Planning Mailbox <Planning@midvale.com>

Tue 4/30/2024 4:11 PM

To:Wendelin Knobloch <wknobloch@midvale.com>

1 attachments (94 KB)

Cowan Response zone ammdment 7001S 900E.pdf;



**Jonathan Anderson**

Planner II

Midvale City

801-567-7238

7505 S Holden Street

Midvale, UT 84047

[janderson@midvale.com](mailto:janderson@midvale.com)

Hours: M-Th, 8am to 6pm

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**From:** MARK COWAN [REDACTED]

**Sent:** Tuesday, April 30, 2024 2:45 PM

**To:** Midvale Planning Mailbox <Planning@midvale.com>

**Subject:** Public Comments for 5.7.24 City Council Hearing zoning change request for 7001 S 900 E

Midvale City Council,

I am a home owner in the Essex Court complex located adjacent to the property seeking the zoning change at 7001 S 900E. The members of our community expressed our concerns during the planning and zoning meeting held a few weeks ago. The planning and zoning committee rightfully declined to recommend this zoning change to the council. Listed below are a few of my concerns and thoughts regarding this proposed change;

**17-7-12.3 Development standards.**

D. *Height.* The maximum height for the zone is forty-five feet for a sloped roof or forty-two feet for a flat roof and may extend up to seventy-five feet for a sloped roof or seventy-two feet for a flat roof for portions of the structure more than one hundred feet from a single family residential zoning district.

The proposed development is higher than any development in the surrounding area and if developed as proposed will be outside the maximum height standards for this zone.

**17-7-12.7** An applicant for new development must provide off-street parking with adequate provisions for independent ingress and egress by automobiles and other motorized vehicles.

The proposed design does not provide adequate provisions for independent ingress and egress by automobiles and other motorized vehicles. During the planning and zoning meeting several people testified to the difficulties with the access for the existing residences in the area. The applicant should have a traffic study completed prior to the council approving any zoning amendment for this parcel.

**17-7-12.9 Conditional use standards of review.**

The city shall not issue a conditional use permit unless the community and economic development department, in the case of an administrative conditional use, or the planning commission, for all other conditional uses, concludes that the application mitigates adverse

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impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

During the planning and zoning meeting there were several concerned community members who spoke out against this proposed zoning change along with the proposed development. The proposed development is outside the scope of the RCRO zoning and will require "conditional use" exemptions for parking and height variances. There was not one "community" member who was in favor of this proposal. If this zone change is approved it will be in violation of code 17-7-12.9

17-7-12.9 A 2 The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;

The proposed development is significantly larger than any development within several miles of the surrounding area and is in violation of this ordinance.

I would encourage you to listen to the voice of your constituents, and the community at large who have indicated very clearly that this type of development and zoning are not complimentary to the existing community. In fact this change could create serious health and safety issues for pedestrians and vehicular traffic. I would also highly recommend you have the fire and police inspectors visit this location to watch the traffic flows into and out of the Essex Court complex. This is a small ingress and egress that is the only emergency access to and from the Essex Court complex. Should another emergency arise similar to the fire that burned down the building on the proposed development site, there will be no way for residents of both communities to safely leave and for emergency responders to access the area. During the recent fire that occurred on this property residents of Essex Court were not able to enter or depart the property in their vehicles for a significant amount of time. While this was inconvenient and possibly life threatening to anyone who may have needed any emergency services at this time, it highlights the already poor accessibility of the properties sharing this access.

It is my conclusion that this request is outside the intended scope of 17-7-12.1 and should be rejected.

Thank you,  
Mark Cowan  
[REDACTED]

Midvale, UT 84047  
[REDACTED]

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**FW: Adam Paul request for amendment.**

Midvale Planning Mailbox <Planning@midvale.com>

Mon 5/6/2024 8:14 AM

To:Wendelin Knobloch <wknobloch@midvale.com>

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**From:** [REDACTED]

**Sent:** Friday, May 3, 2024 2:23 PM

**To:** Midvale Planning Mailbox <Planning@midvale.com>

**Subject:** Adam Paul request for amendment.

To Whom It May Concern:

I live at [REDACTED] Fair Meadows. I'm writing to voice my opinion against the propose to make the property located at 7001 S 900 East a Residential zone.

We are a gated community and 900 East is the only entrance that we have with a key box to our property and it is currently one of the busy streets. If Adam Paul is allowed to have the above property rezone it will only increase the traffic that we are already trying to handle. It will also increase traffic through 7<sup>th</sup> east and what is a quit street now will become a busy through street.

I strongly request that you deny this proposal.

Regards,  
M.K

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**FW: Rezone Request 7001 S 900 E**

**Midvale Planning Mailbox <Planning@midvale.com>**

Mon 5/6/2024 8:14 AM

To:Wendelin Knobloch <wknobloch@midvale.com>

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**From:** Debbie Snider [REDACTED]

**Sent:** Saturday, May 4, 2024 3:59 PM

**To:** Midvale Planning Mailbox <Planning@midvale.com>

**Subject:** Rezone Request 7001 S 900 E

I am a resident of Fairmeadows Condo complex across from the proposed development property.

My comments regarding the development of this property are:

One of the reasons I moved into this development was that, in spite of being at the edge of several large business and residential developments, it appeared that Midvale had in the past encouraged developments that were liveable and encouraged green space and some walkability. Tall developments don't contribute to a community in the way that the greener developments do. And Midvale should be very clear on the developer's mission, intent, and measurable outcomes of the project to serve the needs of this community.

I share the concerns of many others of the community:

- \* What would the ideal type of project actually be, as opposed to trying to fit an existing (or modified) project into the space.
- \* Need for approved plan before re-zone is passed
- \* All parking and traffic issues addressed before re-zone is passed.
- \* Is there proof that the new development would not negatively impact traffic?
- \* Why allow a building over three stories?
- \* Are there 70+ vacant apartments within a one-mile radius of the development? How does this impact a development?
- \* Can the developers look elsewhere for their project?

Thank you,

Debbie Snider  
Fairmeadows Condominiums

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First-Name = Cathy

Last-Name = Holmes

Full-Address = [REDACTED]

Email = [REDACTED]

Meeting-Date = 2024-05-07

Type-of-Meeting[] = City Council

Type-of-Meeting[] = Redevelopment Agency

Type-of-Meeting[] = Municipal Building Authority

Comments = Here's my list of concerns: Infrastructure (water and sewer), traffic, parking, snow removal, building height, and what does this mean for our property values, decline??? Does his housing plan include low-income? There is already crime along the 7200 S corridor and the Shops at Fort Union is one of the hot spots. There are no 7 story buildings anywhere around this area. We will have additional traffic when the RC Willey development opens.

Client IP = [REDACTED]

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May 7, 2024

First-Name = Cynthia

Last-Name = Hurst

Full-Address = [REDACTED]

Email = [REDACTED]

Meeting-Date = 2024-05-07

Type-of-Meeting[] = City Council

Type-of-Meeting[] = Redevelopment Agency

Type-of-Meeting[] = Municipal Building Authority

Comments = My unit at Essex Court borders the proposed zone change. If enacted, I would have a straight view from my kitchen window to the swimming pool across a new parking lot. This will be a much noisier neighbor than the previous medical building. There will also be a lot more traffic along 900 e than the current bumper to bumper lineup to Wheeler Farm around 4:30 to 6pm every day. Please do not approve.

Client IP = [REDACTED]

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

May 2, 2024

Subject: Public Comments against any Rezoning and amendment to zoning of property located at 7001 South 900 East.

To: Midvale City Mayor and City Council Members

Essex Court Condominiums Homeowners Association (Essex Court HOA) is opposed to any request for a Zone Map Amendment to the property located at 7001 South 900 East (the "Parcel") from its existing Regional Commercial Zone to the application of Regional Commercial Residential Overlay Zone ("RCRO") for the purpose of building a seven story 200 unit apartment complex. Essex Court HOA is unanimously opposed to this project.

First, there is no legal or evidentiary support for a change in zoning of any kind. Neither the applicant nor the planning department have presented the public with any official reason or necessity for any change in zone whatsoever or specifically for a change from the current Regional Commercial Zone to the Regional Commercial Residential Overlay Zone. Nor has there been any demonstrable nor substantiated necessity for any zone change let alone the one that was specifically presented before the Planning Commission.

Essex Court HOA firmly believes that there should be NO ZONING CHANGE whatsoever but certainly not one involving a rezone to the one under Chapter 17-7-12.1. So far, the only reason provided for this rezone has been one that is not even listed and that is – to line the pockets of the landowner and the developer to the tune of a minimum of \$300,000 per month (conservative estimate). The financial windfall to the landowner/applicant should never be a good reason to approve any rezone let alone on this abhorrent and antithetical to the immediate community zones around it. If people

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who have lived here for 30 years or longer cannot imagine any benefit to this rezone, how can the people's city representatives see any benefit? "Imagine" is the right word because there is no real evidentiary support for any benefit whatsoever.

The Midvale City Planning Commission after listening and considering all comments from the developer requesting this rezone and the community that lives around this property unanimously voted to "DENY" this request. The Planning Commission listened to the people and not the money.

Second, there was not proper notice of a change in zoning to any of the immediate neighbors of this property as required by Utah law. No substantiation of any kind for this zone change was provided to the public in order for the public to make an informed evaluation and decision on such a bold move by the planning department. No formal official notice was provided to each member of the public most impacted by this zoning change – the members of Essex Court. The proposed zoning change directly and greatly impacts the health, safety, and welfare of each member of Essex Court yet, many of the homeowners received no notice from the city. Would this hold up legally? Highly unlikely especially when the community is landlocked, and a minimum of 200 more people will use the ingress/egress easement (addressed below) daily. This is not tenable on any level let alone any level that promotes the health, safety, and welfare of Midvale citizens. It is also concerning to us that other impacted residents who will be directly affected by this zoning change have not received any notice of this request for a zoning change.

Third, Essex Court HOA proposes that if there is to be a zone change that the City Council review alternatives other than the RCRO such as Chapter 17-7-3, Multifamily Residential-Medium Density Zone (RM-12) or Chapter 17-7-4, Multifamily Residential - Medium to High Density Zone (RM-25). These zones are far more compatible with the zoning for the surrounding communities of Essex Court Condominiums, Fair Meadows Condominiums and The Springs of Country Woods Apartment Complex and the general plan in this area north of Fort Union Boulevard.

Fourth, Essex Court HOA alleges that poor, unsubstantiated bases have been used to attempt to bolster the applicant against the surrounding neighborhoods. The RCRO

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rezone doesn't even make sense in relation to the surrounding zones and communities. In fact, directly across the street from this supposed RCRO would be a single family residential zone, which doesn't occur in any other RCRO in Midvale. Essex Court HOA believes the City Council should ask, "What is best for the very well established communities surrounding this parcel and is this RCRO really the best option to ensure the continued viability, health, safety and welfare of the Essex Court community and surrounding communities?" and not appear to be asking "how do we appease the applicant and landowner so that their wishes may be fulfilled." As such if the City Council grants this rezoning, the city will appear ~~appears~~ to be giving unequal and unfair consideration to the RCRO rezone and thereby discriminating against a community that has been in this area for 45 years and prior to anything else in this area. Essex Court HOA asks the City Council to view the RCRO in a vacuum for an area where it's not suited and for which there is no precedent. The RCRO is meant for isolated areas which are completely surrounded by the Regional Commercial Zone only. This parcel is not that, it's far from that, and this should be addressed by the City Council, to include a full cost-benefit analysis equal to both applicant and protesters. Without such an approach a case for discrimination seems inevitable.

Fifth, no consideration has been given for the future needs of the 250 plus people that could live in this apartment complex. These people will be locked into a lease agreement and now their commutes to work, do daily shopping, enjoy an evening out, etc. will be impeded because of the major vehicle congestion they will face daily. Adding housing to support a growing need is one thing, but it should be done responsibly to blend in with the existing surrounding communities.

Last, in addressing the concerns specifically related to Chapter 17-7-12.1 Essex Court HOA submits the following:

The rezoning of this parcel of land and construction of the proposed 200 unit apartment complex will cause a major disruption to the quality of life now enjoyed by the homeowners living in Essex Court. Essex Court was built in 1979. It is a diverse community. Some of the homeowners have lived in Essex Court over 30 years and several have lived in Essex Court over 20 years. Essex Court has a mix of both seniors

as well as new families and single homeowners. The property owner and the developer have indicated they are willing to work with all the parties affected by this project. But, to date only the property owner has contacted representatives of Essex Court HOA. However, she has never indicated her final intentions for the disposition of her property. And there have been no discussions with the developer.

There is no discussion by the developer addressing the impact the proposed 200 unit apartment complex or other type of building facility will have on the residents of Essex Court. There are 134 people living in Essex Court Condominiums. Essex Court is landlocked with no access to public streets. Ingress and egress to Essex Court is through an easement that was obtained in 1978. This easement will be severely and negatively impacted/disrupted if the 200 unit apartment building is allowed to be constructed. In addition, three major utilities (water, natural gas, and sewer pipelines) are buried under this easement.

Why is this important? Essex Court was built over 45 years ago and over these years Essex Court has maintained a compatible relationship with its neighbors, i.e., the Medical Office Building owned by the Baghoomian Family, located at 7001 South 900 East; Sovereign Financial Group owned by Mr. David A. McBride located at 6947 South 900 East; and the Springs of Country Woods Apartments located at 6945 South Well Wood Road, Midvale, Ut 84047. Essex Court HOA believes the construction of the proposed apartment complex will completely disrupt the current lifestyle enjoyed by its homeowners.

Essex Court HOA believes it should also be noted that the developer has indicated that the 200 unit apartment complex shown in the Planning Commission packet is only a concept drawing and no final plan or concept has been approved. However, Essex Court HOA asks the question, "With commercial real estate in a slump, why would the developer want to build a seven story commercial building risking the possibility that it won't be fully occupied for many years causing a negative cash flow when building an apartment complex will provide immediate income?" Essex Court HOA believes the intent of the property owner and the developer have always been to build this type of apartment complex.

A high quality urban area already exist around the parcel at 7001 South 900 East. The addition of an apartment complex with 200 units will be detrimental to this high quality environment by the impact 200 plus residents will have competing for space. Even though the developer has revised its original plan the developer has not addressed the bottom line issue of congestion that will be cause to this area by warehousing more people in a high quality urban area.

Essex Court believes the vehicle traffic congestion alone that will be caused by the addition of 200 plus vehicles will create a great deal of friction between the neighbors surrounding the parcel of land at 7001 South 900 East.

Essex Court Way: The only access the residents of Essex Court have to their community is through use of Essex Court Way. Essex Court Way is not a dedicated street. It is a private roadway that has existed for 46 years. It was established and a right of way created for "ingress and egress from 900 East Street and from Essex Court, a Planned Unit Development for the benefit of the property owners of Essex Court." The establishment and creation of this right of way was done on August 18, 1978. 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.

1. Vehicle Traffic.

- a. 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 roadway 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 roadway 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) from the common driveway.

- b. The Medical Office Building located on this parcel of land was built over 30 years ago. The parking area around this building provided very adequate parking for tenants and patrons. In addition, there has never been any impediment to ingress and egress to 900 East by tenants and patrons of this Building, residents of Essex Court HOA, and employees and patrons of Sovereign Financial Group. In addition, it had two driveway entrances that fronted 900 east. It appears from the proposed planning documents only one of these entrances will be accessible to residents of the proposed apartment complex.
- c. The developer's revised concept does not provide for any access to Essex Court even though Essex Court HOA has an easement for this right-of-way that was put in place long before the Medical Office Building that burned was built or the Baghoomian Family owned this building.

2. 900 East and UDOT: The question was asked at the Planning Commission meeting, "Why isn't a UDOT representative at this meeting?" Essex Court HOA asks, "And, just what is UDOT going to do to correct the heavy traffic problem that exists on both north and south lanes of 900 East? They can't widen 900 East and putting in a traffic light will only benefit who? A traffic light will only work for either Fair Meadows Condominiums or Essex Court Condominiums but not both. But, the amount of traffic flowing morning and evening along this corridor is not going to diminish but only increase over time. And adding over 250 plus vehicles on a daily basis will only accelerate this conundrum.

3. Public Transportation. There is no public transportation that travels along the 900 East corridor between 6600 South and Fort Union Boulevard (7200 South).

- a. There is public transportation (bus route) that runs east and west along Fort Union Boulevard. The UTA Bus #72 runs every half hour. The nearest bus stops for Bus #72 are approximately one-quarter mile from 7001 South 900 East. Bus #972 – Ski Bus to Brighton Ski Area, also runs east and west along Fort Union Boulevard utilizing the same bus stops as the Bus #72. It also runs every half hour but only during winter months.

- b. There is public transportation (bus route) that runs east and west along 6600 South from 900 East to the Fashion Place West Trax Station. The UTA Bus #209. At 900 East this bus route travels north and south along 900 East until reaching downtown Salt Lake City. The distance from 7001 South 900 East to 6600 South to catch this bus is approximately one-half mile.
- c. The distance for the bus stops for all three of these bus routes does not make them convenient for residents to walk to, especially during days of inclement weather. Therefore, residents of Essex Court are basically automobile dependent when they travel to drive to their intended destination as will residents of the proposed apartment complex, if this building is constructed ~~adding to vehicle congestion~~.

4. Property Values. Essex Court HOA believes the building of this proposed 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 adding major traffic congestion with over approximately 450 vehicles from both Essex Court and the proposed apartment complex trying to enter and exit on a daily basis. This is not acceptable. The previous Medical Office Building was only two stories tall and had 360 degree access to all its entrances. There were no vehicle congestion problems when this building existed.

5. Parking. Even though the proposed apartment complex provides for approximately 322 parking spaces, Essex Court HOA does not see any provisions for accommodating apartment complex tenants with more than one vehicle or their visitor's vehicles 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 guests 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 and the owner of the Sovereign Financial building to increase their parking enforcement.

Nonresident parking in Essex Court and the Sovereign Financial parking lot will inevitably result in vehicle towing.

6. 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.
7. Emergency Vehicles and Fire Suppression Equipment Access. When the building located on this site burned in January 2021, the fire suppression equipment (four fire engine pumper trucks with telescoping ladders) was able to surround the building to contain the fire. Even though the revised concept introduces an additional 30-40 feet of setback, 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 or other emergency types of vehicles to respond to emergency situations via the only ingress and egress route to Essex Court. Water to suppress the fire was required from fire hydrants in the Fair Meadows complex, the Essex Court complex, and the Springs Apartment complex. The amount of water necessary to contain the fire dramatically reduced the water pressure at all three of these complexes. Essex Court HOA believes this short coming should be addressed before any changes are made like the concept plan suggested by the developer.
8. Noise Nuisance. Essex Court enjoys a quiet and peaceful neighborhood environment. The location of the proposed apartment complex's swimming pool and amenity decks open to the east and the building structure surrounding these areas will act as echo chamber sending the noise from these areas toward Essex Court homes. No doubt this will create a noise and nuisance problem for the residents of Essex Court HOA, disrupting the peaceful environment we have enjoyed for many years.
9. Land Contour. There has been no change to the contour of the land where this plot is located except for the fire that destroyed the Medical Office Building.

Essex Court HOA realizes that this is a valuable piece of property but, the surrounding environs to this land have not changed. The existing commercial and residential areas are the same. Adding a seven story 200 unit apartment complex will negatively impact the characteristics of this area by at least doubling the number of occupants and causing major vehicle traffic congestion on a daily basis. Not to mention the addition of a monolithic structure that disrupts the current environmental landscape.

10. Existing Foot Traffic. In the 30 years I've lived in Essex Court HOA I haven't noticed a large amount of foot traffic going to and from the commercial properties located close to Essex Court HOA. What I do notice is that when people want to visit the commercial properties located on the south side of Fort Union Boulevard, they drive their automobiles. The big reason for this is, I believe, they don't want to walk across Fort Union Boulevard, it's too dangerous.

11. New Apartment Complex. There is a recently completed apartment complex located in the vicinity of South Union Avenue and 900 East. This apartment complex, the North Union Apartments has 263 units which add to the congestion around our area. The apartment complex is closer to commercial properties along Fort Union Boulevard and tenants do not need to cross Fort Union as frequently as those of us living on the north side of Fort Union. In addition, this apartment complex is only approximately 50% occupied. Essex Court HOA asks the question, "why do we need another unoccupied apartment complex in our area?"

12. 900 East Surrounding Neighborhood. 900 East between 6600 South on the north and 7200 South on the south has twelve residential homes/buildings with one of these the entrance to Fair Meadows condominium complex and one the 900 East entrance to the Springs Apartment Complex. The rest of the real estate along this corridor contains nineteen commercial buildings with adequate parking and ingress and egress driveways. All of these buildings, both residential and commercial, are no more than three stories tall and have been designed with a compatible architecture. Adding a seven story 200 unit apartment building will

only add an eyesore that greatly detracts from the serene environmental landscape that now exists along this corridor.

13. High Quality Urban Area. A high quality urban area already exists along the north and south sides of Fort Union Boulevard (7200 South) from 700 East on the west to Union Park Avenue on the east. This area has been and continues to be supported by the long time established residential communities around this area. The revised concepts made by the developer do not address the bottom line issue of increased congestion to this location causing a negative impression on people living outside this area to patronize the local commercial businesses. Parking spaces in the lots associated with these businesses on most days can be challenging which is a strong indication as to how these businesses are now patronized. Essex Court HOA also believes it should be recognized that from State Street to Union Park Avenue the tallest building or residential community is no more than three stories high with the exception of the newly completed North Union apartment complex. So, why all of a sudden introduce a seven story building to this area.

14. Essex Court HOA asks the following questions:

- a. How has the applicant demonstrated that rezoning this parcel of land is necessary to comply with the general plan and community need?
- b. What does the applicant believe is the community need?
- c. What is the community need that the office building that burned down didn't provide?
- d. Why is it necessary to build a 200 unit apartment complex?
- e. Has the developer investigated the impact a 200 unit apartment complex will have on the existing communities, public utilities, i.e., water, sewer, storm water runoff, fire and emergency services.
- f. Where will trash bins be located and how will garbage trucks travel to these bins?
- g. If the developer is serious about working with the existing community, why hasn't he attempted to contact community members?

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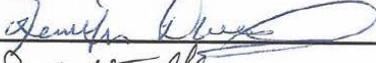
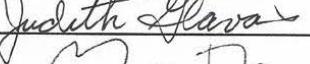
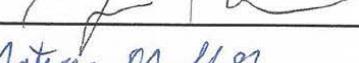
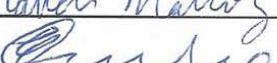
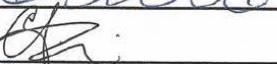
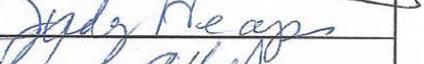
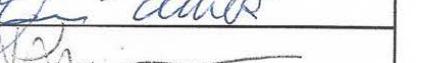
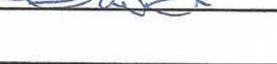
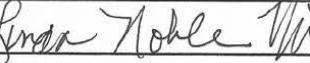
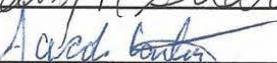
Attached to this letter are signatures from 57 Essex Court HOA homeowners and residents that are opposed to the rezoning of this parcel of land and the construction of this proposed apartment complex. Please consider these citizens' opinion as you make your decision regarding any proposed zoning changes.

Essex Court HOA appreciates the Midvale City Council'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 too strongly object to the further implementation of this project. We intend to continue monitoring the progress of this proposed zoning change and 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.

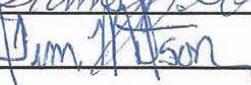
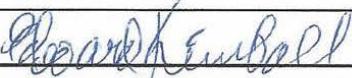
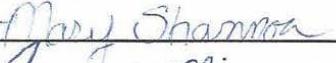
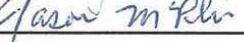
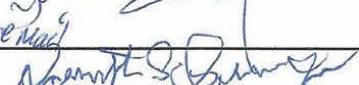
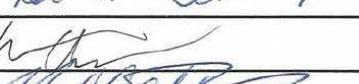
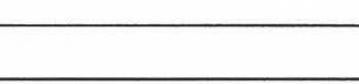
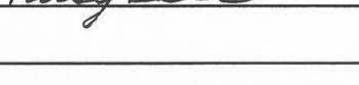
Best Regards,

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

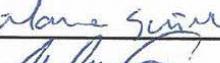
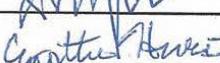
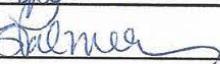
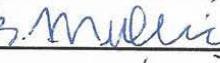
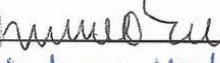
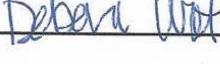
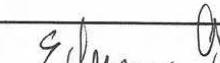
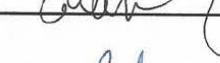
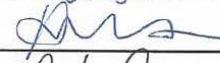
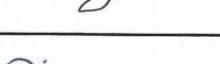
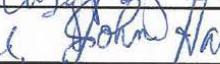
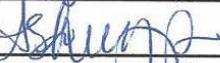
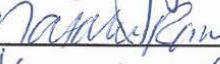
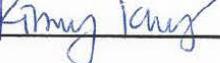
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Essex Court HOA Homeowners Petition 3/10/24		
Address	Homeowner	Signature
	Holden, Greene	
	Osborn, Aimee	
	Armstrong, Rebecca	
	Parker, Glenn & Kate	
	Dunwoody, Jennifer	
✓	Glavas, James	
	Incorine Van Groningen, Megan	
	Malloy, Nathan Albert	
	Emy Cordano	
✓	Davis, France	
	Rugebregt, Michael & Julia	
	Shelly, Cheryl	
	Shelly, Cheryl	
	Heaps, Judy	
	Allred, Jim	
	Leslie, Kindle	
	Bruce, Thomas & Paula	
	Chindlund, Julie	
✓	Nobel, Linda	
	Sheets, Michael & Hilary	
✓	Smerkous, Domotri (R) M&M	
	Stearns, Betty	
	Carter, Jacob	
	Lovell, Ashlyn & Zachery	

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Essex Court HOA Homeowners Petition 3/10/24		
Address	Homeowner	Signature
	Post, Trudy	
	Kingore, Samuel & Edith	
	Peterson, Elaine	
	Matson, Tim	
	Burton, Christopher (R)	
	Kimball, Edward	
	Siesta Holdings LLC (R)	
	Olsen, Christopher	
	Christy, Raymond	
	Cowan, Mark	
	Nelson, Nicholas (R)	
	Shannon, Mary	
	McPhie, Jason	
	Tice, Dylan	
	Wright, Debra	
	Wolcott, Shay & Nicole	
	Gunn, Kenneth	
	Phillips, Tom & Mary	
	Beck, Hans (Michael)	
	Hanni, Mikel	
	Verhoef, (Nick) Clarence	
	Dupree, Mary (R)	
✓	Bell, Steven & Patsy	
	Kanamu, Jeff & Diane (R)	

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Essex Court HOA Homeowners Petition 3/10/24		
Address	Homeowner	Signature
	Ambum, Larry	
	Schlock, Marlene	
	Giris, Vidas	
	Bigelow, Jonathan	
	David Taylor	
	Hurst, Cynthia, Morgan Smart	
	Palmer, John & Sheri	
	Mullins, Brittany	
	Munsee, Braden	
	Watkins, Debera	
	Osabouhien, Scott - Amber	
	Gidley, Eileen	
	Young, Morgan	
	Li Residence	
	Zhang, Yuting	
	Larsen, Christian	
	Ladue, Scott N. (R)	
	Abegglen, Nedra	
	Presson, Paul	
	Raleigh, Casey	
	Hawley, John	
	Peacock, Ashley	
	Ransom, Natalie	
	Kwong, Kimmy Kyung	

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Essex Court HOA Homeowners Petition 3/10/24		
Address	Homeowner	Signature
[REDACTED]	Todoran, Micheal & Rhoda	

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Address	Name	Signature
[REDACTED]	Rattan & Kelsey 47 Moore	John Paul Kelsey Rebecca Moore

# Proceedings of City Council Meeting

## May 7, 2024

3/10/24, 5:43 PM Proposed 200 Unit Apartment Complex in Front of Essex Court Entry - essexcourtmidvale@gmail.com - Gmail

Gmail Search mail

5

**E Essex Court HOA** 10:23AM (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** 11:46AM (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 [REDACTED]

Sent from my iPhone

**E** Mary Phillips

Sans Serif

Send

<https://mail.google.com/mail/u/0/#inbox/KtbxLwGrVhSmsrvZqppPrzxWrbzCTtpgV>

1/1

Proceedings of City Council Meeting  
May 7, 2024

4/2/24, 7:38 PM

Gmail - Proposed 200 Unit Apartment Complex in Front of Essex Court Entry AGAIN!!



Essex Court HOA <essexcourtmidvale@gmail.com>

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**Proposed 200 Unit Apartment Complex in Front of Essex Court Entry AGAIN!!**

---

nicholas nelson [REDACTED]  
To: Essex Court HOA <essexcourtmidvale@gmail.com>

Tue, Apr 2, 2024 at 6:40 PM

We are the owners of [REDACTED] and we are adamantly opposed to the proposed construction of a 200 unit apartment complex in front of Essex Court. The traffic congestion caused by such a large apartment complex would be unbearable to the residents of Essex Court and is totally unfair to them.

-Nick and Jenna Nelson

[Quoted text hidden]

Proceedings of City Council Meeting  
May 7, 2024

**Apartment Complex**

[REDACTED]  
Thu 4/4/2024 7:41 PM

To:Ed Kimball <[REDACTED]>

Ed

Please accept this email document as my OPPOSING vote for the building of an apartment complex in front of Essex Court condominiums.

I am saddened and very much against it.

Nedra Abegglen

[REDACTED]  
Midvale, Utah 84047

Sent from AOL on Android

# Proceedings of City Council Meeting

## May 7, 2024

4/8/24, 12:45 PM FW: April 10th Planning Meeting comments on 7001S 900E zoning change - essexcourtmidvale@gmail.com - Gmail

Gmail Search mail

1 of 129

**FW: April 10th Planning Meeting comments on 7001S 900E zoning change** Inbox x

**M** **MARK COWAN** Sun, Apr 7, 12:23 PM (1 day ago)  
to me

Here is the response I sent to the planning commission today.

**From:** MARK COWAN  
**Sent:** Sunday, April 7, 2024 12:23 PM  
**To:** [planning@midvale.com](mailto:planning@midvale.com)  
**Subject:** April 10th Planning Meeting comments on 7001S 900E zoning change

To whom it may concern:

I am writing to address the proposed zoning change at 7001S 900E. As a property owner in the Essex Court Complex directly East of this proposed development I would like to share my observations and requests prior to a decision being made on this zoning change.

- I am concerned about the proposed ingress and egresses for the proposed development being inadequate for the proposed new residents. The shared ingress and egress on the North side of the development will be insufficient to properly service the Essex Court complex and the new residents. I have searched the proposal and do not see any traffic studies or emergency management studies to support this new development.
- The prosed development will use all open space for development and will be prohibitive for pedestrian and retail traffic. Residents of the proposed development will likely attempt to use the open spaces in the Essex Court development due to the lack of space in the proposed development.
- Parking in the Essex Court Complex is already problematic with limited spaces for visitors. Each unit in the Essex Court complex has two dedicated garage units. The proposed development is considering "Shared" parking spaces. The proposal is inadequate and will likely create an enforcement issue for the owners of property in the Essex Court units.
- Property values will be affected for owners in the Essex Court complex as access to the complex will become difficult.
- The zoning change will eliminate access to local services that were previously provided in the RC zone if the commercial building were to be rebuilt and medical and retail services were to be offered once again.
- The 4500 sq foot commercial space is lacking appropriate parking and access to pedestrians.

I would ask that this proposal be denied without further studies for traffic, emergency access to both the proposed development and the Essex Court complex.

Thank you for considering the voices of the residents who live in this community prior to making this decision. I would invite members of the planning commission to come visit the Essex Court Community and view the traffic patterns and limitations prior to making a decision on this change as well.

<https://mail.google.com/mail/u/0/#inbox/FMfcgzGxSbrtBxwtBZRQGqtvbcJBtBzn>

1/1

Proceedings of City Council Meeting  
May 7, 2024

**Fw: 900 East**

**Bonnie Billings <bbillings@midvale.com>**

Mon 4/8/2024 1:10 PM

To:Wendelin Knobloch <wknobloch@midvale.com>

Hey Wendelin,

Ms. Taufer wants to make her concerns regarding the potential development on 900 E. known to the Planning Commission at their meeting on Wednesday. I'll let her know she can attend and give public comment, but I wanted to make sure her concerns were passed on as I can't attend the meeting on Wednesday.

I seem to remember that this development wasn't approved for rezoning on March 13? Are there any updates beyond that?

Let me know if you need anything else from me.

Thank you,  
Bonnie

---

[REDACTED]  
**Sent:** Monday, April 8, 2024 11:40 AM  
**To:** Bonnie Billings <bbillings@midvale.com>  
**Subject:** 900 East

Hi Bonnie,

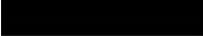
I am the Chairperson of the Fairmeadows Condominium Association. I am writing this email to you to voice the concerns of the residents who live here concerning the proposed building that the developer wants to build on the east side of 900 East where the office building burned down. I have a very real concern about 200 more units going in on that location. Fairmeadows has 232 units and adding an additional 200 more will really affect the traffic along 900 East. As you are probably aware, this proposed development is planning to use the easement right-of-way that Essex Court condominiums and Sovereign Financial use. The mere fact that another 200 cars trying to turn into that easement off of 900 East could possibly cause a major traffic problem, not to mention the collisions that could happen. It is almost impossible for our folks to exit our property onto 900 East at traffic time at night. Often times the traffic is backed up from 7200 South all the way to the bridge just before 6400 South. I can only imagine the nightmare this additional traffic will cause.

With the new townhomes that are being built on the RC Willey property and the apartment complex built on the K-Mart property, one can only imagine the additional traffic coming south on 900 East. I was told by one of our homeowners that you live in the area and would know firsthand about the traffic and how bad it can get every day. I am asking you to talk to the planning commission on Wednesday, April 10th and let them know our concerns about the additional traffic. I have read the staff report that was generated from the March 13th meeting and there was not one mention about traffic.

I thank you in advance for your attention to this matter and appreciate any impute you can give the planning commission.

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Sincerely,  
Kathy Taufer  
Fairmeadows HOA



Proceedings of City Council Meeting  
May 7, 2024

**FW: April 10th Planning Meeting comments on 7001S 900E zoning change**

Midvale Planning Mailbox <Planning@midvale.com>

Mon 4/8/2024 8:15 AM

To:Wendelin Knobloch <wknobloch@midvale.com>

1 attachments (94 KB)

Cowan Response zone ammdment 7001S 900E.pdf;



**Jonathan Anderson**

Planner II

Midvale City 801-567-7238

7505 S Holden Street

Midvale, UT 84047

[janderson@midvale.com](mailto:janderson@midvale.com)

Hours: M-Th, 8am to 6pm

**Sent:** Sunday, April 7, 2024 12:23 PM

**To:** Midvale Planning Mailbox <Planning@midvale.com>

**Subject:** April 10th Planning Meeting comments on 7001S 900E zoning change

To whom it may concern:

I am writing to address the proposed zoning change at 7001S 900E. As a property owner in the Essex Court Complex directly East of this proposed development I would like to share my observations and requests prior to a decision being made on this zoning change.

- I am concerned about the proposed ingress and egresses for the proposed development being inadequate for the proposed new residents. The shared ingress and egress on the North side of the development will be insufficient to properly service the Essex Court complex and the new residents. I have searched the proposal and do not see any traffic studies or emergency management studies to support this new development.
- The prosed development will use all open space for development and will be prohibitive for pedestrian and retail traffic. Residents of the proposed development will likely attempt to use the open spaces in the Essex Court development due to the lack of space in the proposed development.
- Parking in the Essex Court Complex is already problematic with limited spaces for visitors. Each unit in the Essex Court complex has two dedicated garage units. The proposed development is considering "Shared" parking spaces. The proposal is inadequate and will likely create an enforcement issue for the owners of property in the Essex Court units.
- Property values will be affected for owners in the Essex Court complex as access to the complex will become difficult.
- The zoning change will eliminate access to local services that were previously provided in the RC zone if the commercial building were to be rebuilt and medical and retail services were to be offered once again.
- The 4500 sq foot commercial space is lacking appropriate parking and access to pedestrians.

I would ask that this proposal be denied without further studies for traffic, emergency access to both the proposed development and the Essex Court complex.

Thank you for considering the voices of the residents who live in this community prior to making this decision. I would invite members of the planning commission to come visit the Essex Court Community

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and view the traffic patterns and limitations prior to making a decision on this change as well.

Thank you,

**Mark Cowan**  
[REDACTED]

Proceedings of City Council Meeting  
May 7, 2024

**FW: Public Comment Submission for Planning/Zoning Com**

Midvale Planning Mailbox <Planning@midvale.com>

Mon 4/8/2024 8:15 AM

To:Wendelin Knobloch <wknobloch@midvale.com>



**Jonathan Anderson**

*Planner II*

Midvale City

7505 S Holden Street 801-567-7238

Midvale, UT 84047

[janderson@midvale.com](mailto:janderson@midvale.com)

Hours: M-Th, 8am to 6pm

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**From:** noreply@revize.com <noreply@revize.com>

**Sent:** Sunday, April 7, 2024 11:48 AM

**To:** Midvale Planning Mailbox <Planning@midvale.com>

**Subject:** Public Comment Submission for Planning/Zoning Com

First-Name = Mark

Last-Name = Cowan

Meeting-Date = 2024-04-10

Agenda-Item = IV) Public Hearing b) Adam Paul zone map amendment

Comments = The zoning change is not supported by any traffic studies or safety recommendations from fire or emergency services. The zoning change is not justified as there is a need for commercial space that fits the RC zone. I have emailed staff comments on this zoning change request and would ask that they be part of your consideration.

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).

**Cowan Response:** The original zoning (RC) assumes traffic patterns that are different from (RCRO) zones. This zoning change will bring significant residential traffic at hours outside the hours seen in the RC zoning.

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.

**Cowan Response:** Existing zoning has been functional and does not warrant changing to RC

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.

**Cowan Response:** The parcel of land has not changed nor have any of the traffic or safety issues drafted in the original zoning of this parcel. The community is not encouraging a zoning change. In fact the overwhelming public comments are encouraging a replacement of the commercial structure originally approved in the RC zoning.

#### 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.

**Cowan Response:** The limited commercial space in the proposed development does not encourage vibrant mixed use and will likely only be able to cater to the residents of the complex due to lack of adequate parking and traffic patterns that are not conducive to any type of retail development.

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.

**Cowan Response:** The limited commercial space in the proposed development does not encourage vibrant mixed use and will likely only be able to cater to the residents of the complex due to lack of adequate parking and traffic patterns that are not conducive to any type of retail development.

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.

**Cowan Response:** The high density residential development will decrease property values and not provide any noticeable enhancement to the zone. Further investment in the area will likely be decreased do to lack of proper walkability and vehicular traffic corridors.

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.

**Cowan Response:** The parcel can be replaced with a similar commercial structure which would encourage access to local healthcare and other services that were provided in the burnt down building. Replacing the building with residential units will provide increased property tax revenue at the cost of removing access to commercial spaces that encourage economic growth.

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.

Cowan Response: The parking and traffic patterns for the proposed development are grossly inadequate especially if there are proposed development is to offer 4500 sq feet of commercial space. Further and new RC development would be required to use parking areas for commercial development.

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.

Cowan Response: The proposed development is not compatible with the existing residential and commercial spaces. The development is a typical high density development that may be well suited for areas zoned for these developments. Walking and driving in the area will become hazardous due to increased traffic along a road with higher speed limits than are typical for ingress and egress in RCRO zones.

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

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

Cowan Response: The dedicated commercial space does nothing to encourage pedestrian traffic and will only increase vehicular traffic in the area

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**FW: Public Comment Submission for Planning/Zoning Com**

Midvale Planning Mailbox <Planning@midvale.com>

Tue 4/9/2024 1:35 PM

To:Wendelin Knobloch <wknobloch@midvale.com>



**Jonathan Anderson**

*Planner II*

Midvale City

7505 S Holden Street 801-567-7238

Midvale, UT 84047

[janderson@midvale.com](mailto:janderson@midvale.com)

Hours: M-Th, 8am to 8pm

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**From:** noreply@revize.com <noreply@revize.com>

**Sent:** Tuesday, April 9, 2024 12:30 PM

**To:** Midvale Planning Mailbox <Planning@midvale.com>

**Subject:** Public Comment Submission for Planning/Zoning Com

First-Name = Michael

Last-Name = Reese

Meeting-Date = 2024-04-10

Agenda-Item = Apt Complex on 900 East

Comments = This development would decrease significantly the quality of life on this section of 900 East. Too close to 7200 So. to not impact traffic negatively in both directions. Please consider we who are already living here.

**MOTION:** **Council Member Dustin Gettel MOVED to close the public hearing. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

**ACTION: Consider Ordinance No. 2024-O-09 Authorizing a Zone Map Amendment for Approximately 2.37 Acres Located at 7001 South 900 East to Add the Regional Commercial Residential Overlay Zone.**

Council Member Bryant Brown said he would like to see this kind of turnout for any development in the city east or west side.

Council Member Paul Glover said he wants to preserve the quality of life and said seven stories is too many.

Council Member Heidi Robinson said she does not see this meeting any of the Council objectives for mixed use and higher density housing.

Garrett Wilcox informed the Council that one of the recent House Bills makes it easier for cities to hold developers accountable to site plans.

Council Member Bryant Brown said he agreed with Council Member Robinson's thoughts about the project not meeting the Council's objectives.

Mayor Stevenson said Governor Cox wants cities to address the lack of housing in their communities.

Council Member Bonnie Billings agreed with Council Member Robinson. She understands that they need to be very intentional when they look at new developments.

Council Member Dustin Gettel agreed with Council Member Billings. He understands that everyone wants to see this property developed; however, not the proposed development.

Mayor Stevenson said he hopes that whatever way the vote goes that night, that this is not the end of the process.

**MOTION: Council Member Bonnie Billings MOVED to Deny Ordinance No. 2024-O-09 Authorizing a Zone Map Amendment for Approximately 2.37 Acres Located at 7001 South 900 East to Add the Regional Commercial Residential Overlay Zone. With the findings that it doesn't meet qualifications of MMC 17-3-1. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:**

<b>Council Member Bonnie Billings</b>	<b>Aye</b>
<b>Council Member Paul Glover</b>	<b>Aye</b>
<b>Council Member Heidi Robinson</b>	<b>Aye</b>
<b>Council Member Bryant Brown</b>	<b>Aye</b>
<b>Council Member Dustin Gettel</b>	<b>Aye</b>

**The motion passed unanimously.**

**The Council recessed at 8:42 p.m. and reconvened at 8:51 p.m.**

**B. CONSIDER A MIDVALE CITY INITIATED REZONE REQUEST TO REMOVE THE 7200 S. OVERLAY FROM THE NORTHEAST AND SOUTHEAST CORNERS OF STATE STREET AND FORT UNION BLVD.**

Elizabeth Arnold said 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. One recommendation was to remove the 7200 S Overlay from the northeast and southeast corners of State Street and Fort Union Blvd. The 7200 S Overlay zone was developed to supplement the Mixed-Use (MU) zone. Given that the subject area does not have MU 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.*

The proposed rezone request satisfies Goal #2 listed above. As the 7200 S Overlay was designed to supplement the MU zone, and there is no MU in this area, this appears to be the result of a clerical error.

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 recommended the City Council approve the Rezone request with the following findings:

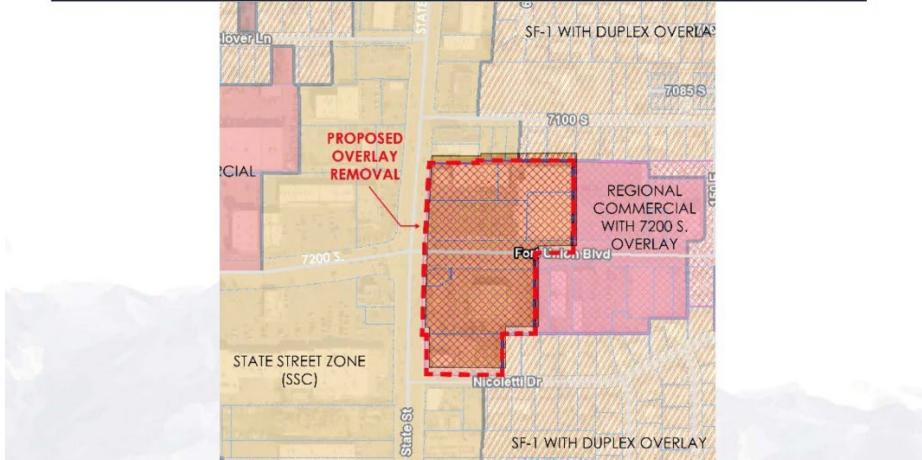
1. Removing the 7200 S Overlay will allow for development that aligns with Midvale City's vision for the State Street area.
2. The request complies with the rezone procedure outlined in the Midvale City Code 17-3-1(E).

**Planning Commission Recommendation**

Recommended Approval.



## Proposed Rezone Area



## Rezone Criteria

### Midvale City Code 17-3-1(E)

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

**MOTION:** Council Member Dustin Gettel MOVED to open the public comment portion of the public hearing. The motion was SECONDED by Council

**Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

Dave Merrit, property owner on 7100 S State, said he loves Midvale City. He said he thinks this proposal is too vague and things like the drugs, prostitution, and homelessness in the area need to be addressed first.

**MOTION: Council Member Dustin Gettel MOVED to close the public hearing. The motion was SECONDED by Council Member Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

**ACTION: Consider Ordinance No. 2024-O-10 Rezoning approximately 6.78 Acres of Properties located at 7157 S State St., 75 E Fort Union Blvd., 25-33 E Fort Union Blvd., 7211 S State St., 7227 S State St., and 7263 S State St., Removing the 7200 S. Overlay Zone.**

**MOTION: Council Member Dustin Gettel MOVED to Approve Ordinance No. 2024-O-10 Removing the 7200 S. Overlay from the northeast and southeast corners of State Street and Fort Union Blvd, as provided in the attachments, with the findings noted in the staff report. The motion was SECONDED by Council Member Bonnie Billings. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:**

Council Member Bonnie Billings	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

**The motion passed unanimously.**

**C. CONSIDER A MIDVALE CITY INITIATED REQUEST TO AMEND SECTIONS 17-7.1, 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.**

Elizabeth Arnold said 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.**

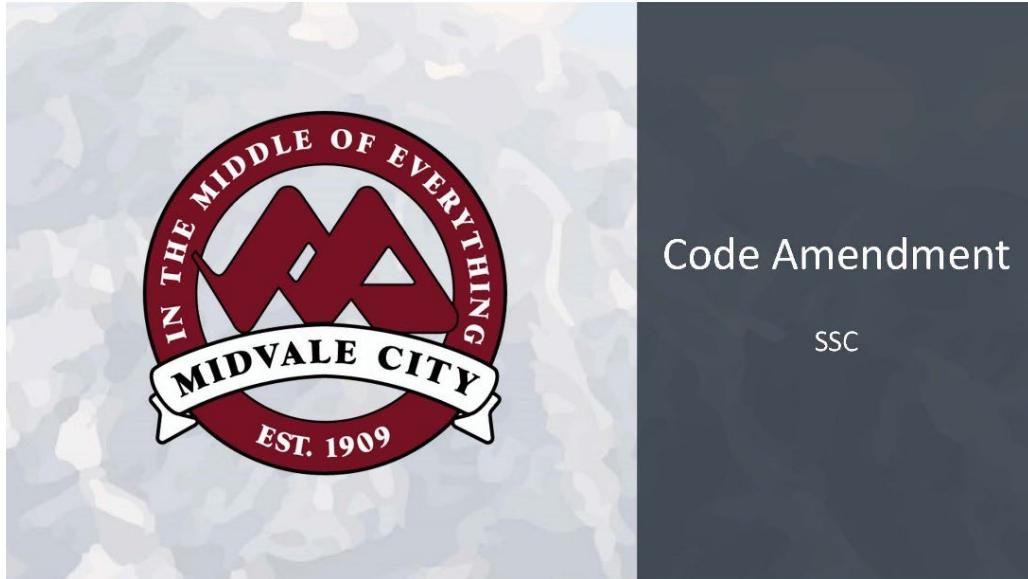
**STAFF RECOMMENDATION**

Staff recommended the City Council approve the text amendment with the following finding:

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

**Planning Commission Recommendation**

Recommend Approval.



## Proposed Amendments

- Front yard setback – 10' instead of 15'. Additional 10' allowed if it provides space for outdoor dining, gathering, or shopping.
- Outdoor dining, gathering, and shopping allowed in the side yard setback.
- Building breaks required for lengths longer than 50'.
- Building corners must be enhanced with railings, coordinated pavers, public art, signage, lighting, or planters.
- Outdoor dining allowed.
- All off-street & structure parking must be in the side or rear.
- Structured parking that faces a street must be wrapped with commercial or office uses.
- No surface parking lots are allowed if visible from the adjacent street.
- Guest parking shall not require a fee.

Council Member Paul Glover expressed his concern about parking. There's not enough room to add parking. It forces him to stay where he's at and he cannot remodel or expand.

Council Member Dustin Gettel asked if existing businesses can be grandfathered in.

Elizabeth Arnold stated that they would be grandfathered in unless they choose to remodel or make improvements.

Council Member Bryant Brown said that the buildings with parking right on State Street do not add to the aesthetics of the area and impede the walkability.

**MOTION:** **Council Member Dustin Gettel MOVED to open the public comment portion of the public hearing. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

There were no public comments.

**MOTION:** **Council Member Dustin Gettel MOVED to close the public hearing. The motion was SECONDED by Council Member Paul Glover. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

**ACTION:** Consider Ordinance No. 2024-O-11 Amending Sections 17-7-7.1, 17-7-7.4, 17-7-7.5, and 17-7-7.8 Relating to the Purpose, Lot and Development Standards, Architectural Standards, and Parking in the State Street Commercial Zone of the Midvale City Municipal Code.

**MOTION:** **Council Member Dustin Gettel MOVED to Approve Ordinance No. 2024-O-11 Amending Sections 17-7-7.1, 17-7-7.4, 17-7-7.5, and 17-7-7.8 tape. The motion was SECONDED by Council Member Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:**

Council Member Bonnie Billings	Aye
Council Member Paul Glover	No
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

**The motion 4-1 in favor.**

Council Member Bryant Brown asked staff to consider passing the Ordinance and look into the specific parking issues some of the current businesses are having.

**D. CONSIDER A MIDVALE CITY INITIATED AMENDMENT THAT CREATES CHAPTER 17-6 SUPPLEMENTARY REGULATIONS WITHIN THE MIDVALE MUNICIPAL CODE ADOPTING THE JORDAN VALLEY WATER CONSERVANCY DISTRICT WATER EFFICIENCY STANDARDS.**

Wendelin Knobloch said 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).

Midvale residents are eligible for full landscaping conversion incentives through JVWCD as soon as the City adopts the above linked document. The following cities have already adopted the JVWCD Water Conservation Standards, leaving Midvale as one of the few holdouts: Bluffdale, Draper, Herriman, Kearns, Magna, Riverton, South Jordan, Taylorsville, West Jordan, West Valley City, White City.

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

**MOTION:** **Council Member Dustin Gettel MOVED to open the public comment portion of the public hearing. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

Jamie Morris said conserving water is very important; however, she lives on an acre property and likes to grow her own vegetables and has an orchard. How do you justify penalizing those who water their crops?

Wendelin Knobloch said there is a carve out in the requirements for that type of use. The requirements go towards watering turf.

**MOTION:** **Council Member Dustin Gettel MOVED to close the public hearing. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

**ACTION: Consider Ordinance No. 2024-O-12 Creating Chapter 17-6 Supplementary Regulations within the Midvale Municipal**

**Code adopting the Jordan Valley Water Conservancy District Water Efficiency Standards.**

**MOTION:** Council Member Dustin Gettel MOVED to Approve Ordinance No. 2024-O-12 Creating Chapter 17-6 Supplementary Regulations within the Midvale Municipal Code adopting the Jordan Valley Water Conservancy District Water Efficiency Standards. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Bonnie Billings	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

**E. CONSIDER A PUBLIC HEARING TO RECEIVE PUBLIC COMENT REGARDNG THE FY225 TENTATIVE BUDGET FOR MIDVALE CITY BEGINNING JULY 1,2024 AND ENDING JUNE 30, 2025.**

Mariah Hill Said the process of adopting the fiscal year 2025 budget requires several steps that you, as a City Council, are required to take to be compliant with state statute. UCA 10-6-111(1) requires the Budget Officer to present a tentative budget for each fund within the City. The budgets must be submitted no later than the first regularly scheduled meeting in May. I will present budgets for each fund on Tuesday, May 7th on behalf of the Budget Officer (City Manager). At that time, I will brief you on fiscal year 2024 revenue estimates, provide a brief overview of expenditures, and present budget highlights along with any proposed program changes.

UCA 10-6-111(3) further requires the City Council to adopt the tentative budget at this meeting. The Council will then review and amend, if necessary, the budgets prior to their final adoption. As a reminder, the purpose of a tentative budget is to have a working tool from which we can start the formal adoption process. The budget document can be amended prior to final adoption. At the time of final adoption, all budgets must be balanced with expenditures equaling revenues.

**PLAN COMPLIANCE: N/A**

**FISCAL IMPACT:**

The tentative budget provides a starting point to discuss the operating budget for Fiscal Year 2025 prior to final approval.



Fiscal Year  
2025  
Tentative  
Budget



## FY 2025 Tentative Budget Overview

- The Tentative Budget is the City's estimated revenues and expenditures for July 1, 2023 to June 30, 2025.
- A Tentative Budget is presented for each fund (all departments fall within a fund).
- The Tentative Budget has been prepared by the Finance Department and City Manager and is officially presented by the City's Budget Officer (City Manager) and reflects an effort to maintain the City's current level of service in these uncertain economic times.
- The Tentative Budget is the 'First Draft' of the budget.

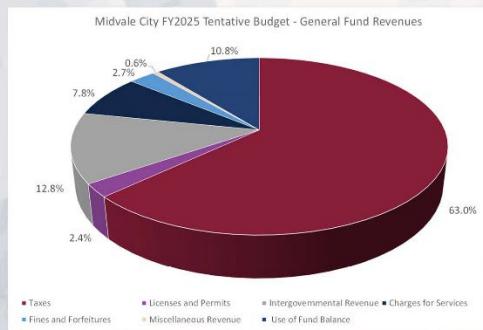
## General Fund

- **Total Revenues and Expenditures** - \$30,304,376 (19.24% increase from Amended FY24 Budget).
  - Projected new on-going funds - \$1,805,206
  - Proposed Use of Fund Balance (One-Time Funds) - \$3,260,500

FY2025 Tentative Budget Overview

## General Fund - Revenues

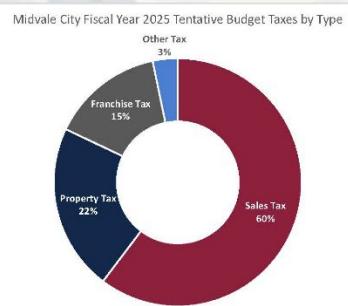
- Taxes - \$19.1 million
- Licenses and Permits - **\$730,000**
- Intergovernmental Revenue - \$3.88 million
- Charges for Services - \$2.35 million
- Fines and Forfeitures - **\$815,000**
- Miscellaneous Revenue - \$173,000
- Use of Fund Balance - \$3,260,500



FY2025 Tentative Budget Overview

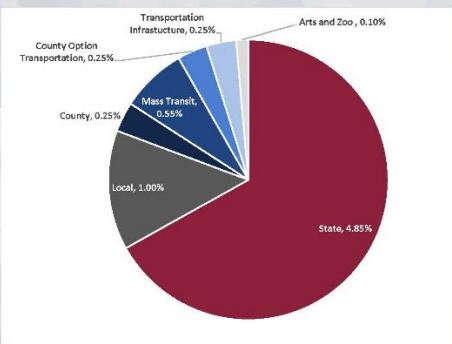
## General Fund – Tax Revenues

- Sales Tax - \$11.4 million
  - 1% Increase from FY23 Actuals
- Property Tax - \$4.1 million
  - 1% New Growth – \$31K
  - 32% Property Tax Increase - \$992K (\$69 '23 Ave Household)
- Franchise Tax - \$2.77 million
  - \$500K Increase to reflect actuals
- Other Taxes - \$818,329
  - Delinquent Property Tax
  - Telecommunication Tax
  - Transient Room Tax
  - Motor Vehicle in Lieu of Tax



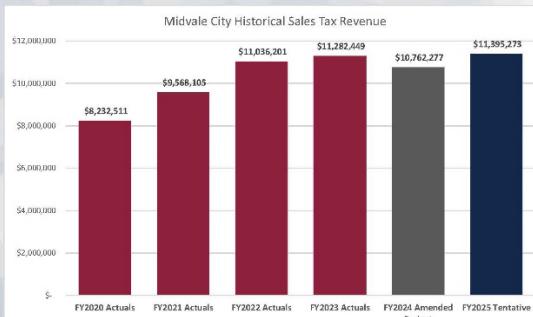
FY2025 Tentative Budget Overview

## Sales Tax Overview



FY2025 Tentative Budget Overview

## Midvale City Sales Tax - \$11,395,273



- Distributed to the City monthly by the Utah State Tax Commission
- Two-month delay in distribution (e.g. May distribution is from March sales)
- Most susceptible tax to economic trends
- High spending in post-COVID years meant large sales tax increase
- Economy is showing a slowing in consumer spending
- FY2024 Year-To-Date is equal to FY2023
- Projecting a 1% Increase from FY23 Actuals

FY2025 Tentative Budget Overview

## Property Tax Overview

- Property Tax is based on the assessed value of a property, which is set by the County Assessor
- Primary residential properties in Utah get a 45% tax exemption
- Midvale Residents pay property taxes to 11 different taxing entities
- Property taxes (e.g. 2023) are based on a calendar year and Midvale operates on a fiscal year (e.g. 2023-2024)
- Midvale doesn't yet have the 2024 average residential value. In 2023, the average residential value in Midvale was \$438,300, the taxable value of the same property is \$241,065
- Unless a taxing entity goes through the Truth-in-Taxation process the entity will receive the same dollar amount of property tax as the previous budget year and the property tax rate will change based on assessed values and the dollar amount.

FY2025 Tentative Budget Overview

## Property Tax Overview

How the City's property tax rate is calculated:

$$\frac{\text{Previous year property tax revenue} + \text{new growth}}{\text{Assessed property tax value}}$$

When assessed value goes up, tax rate goes down, to generate equal revenue.

When assessed value goes down, tax rate goes up, to generate equal revenue.

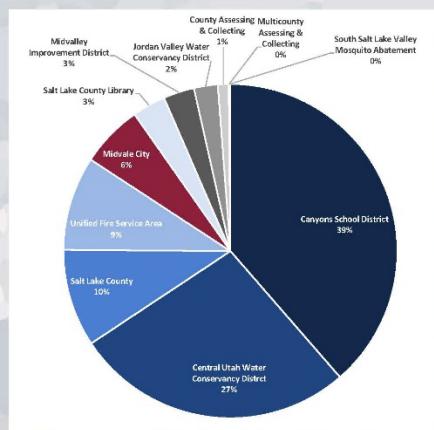
Assessed property tax value = Total assessed value less allowable exemptions

- Example – 45% residential exemption

If an entity wishes additional revenue, beyond new growth, it goes through a process called Truth in Taxation, which is a series of public hearing and notices.

FY2025 Tentative Budget Overview

## Property Tax Overview



Taxing Entity	2023 Tax Rate	Dollar Amount of Taxes
Canyons School District	0.005705	\$1,374.33
Central Utah Water Conservancy District	0.004	\$963.60
Salt Lake County	0.001394	\$335.81
Unified Fire Service Area	0.001346	\$324.25
Midvale City	0.000892	\$214.88
Salt Lake County Library	0.000477	\$114.91
Midvalley Improvement District	0.000442	\$106.48
Jordan Valley Water Conservancy District	0.000341	\$82.15
County Assessing & Collecting	0.000155	\$37.34
Multicounty Assessing & Collecting	0.000015	\$3.61
South Salt Lake Valley Mosquito Abatement	0.000009	\$2.17
<b>TOTAL</b>	<b>0.014776</b>	<b>\$3,559.54</b>

## Midvale City Property Tax - \$4,110,264

- Projecting 1% Growth - \$31K
- Midvale City Property Tax Increase – 32% - \$992K
- Average 2023 Residential Property - \$438,300 (\$241,065 Taxable)
  - Total Midvale City Property Taxes w/ Increase - \$283.78 (\$69 Annual Increase)
- Average 2023 Commercial Property - \$438,300
- Total Midvale City Property Taxes w/ Increase - \$515.97 (\$125.27 Annual Increase)
- Adopting the Tentative Budget does not mean the City Council is adopting the tax increase.

FY2025 Tentative Budget Overview

## General Fund – On-Going Expenditures

- Public Safety Increase - **\$1.85M** (Includes UPD, UFA, & Animal Control)
- Salary Increases - **\$192K** (3% COLA, 2% Merit, Market, Mid-Point)
- Benefit Increases - **\$93K** (2.5% Medical and 4.5% Dental Increase)
- IT Equipment Increase - **\$48K**
- Liability Insurance Increase - **\$10K**
- City Hall Art Program - **\$5K**
- Communications Software - **\$12.5K**
- Software Cost Increases - **\$12K**
- Event Software - **\$12K** (\$8K On-going)
- Operating Cost Increases - **\$42K**
- Building Official and Plan Review FTEs (Reduction in contract) - **\$278K**
- Departmental Operating Cuts - **\$-35K**

FY2025 Tentative Budget Overview

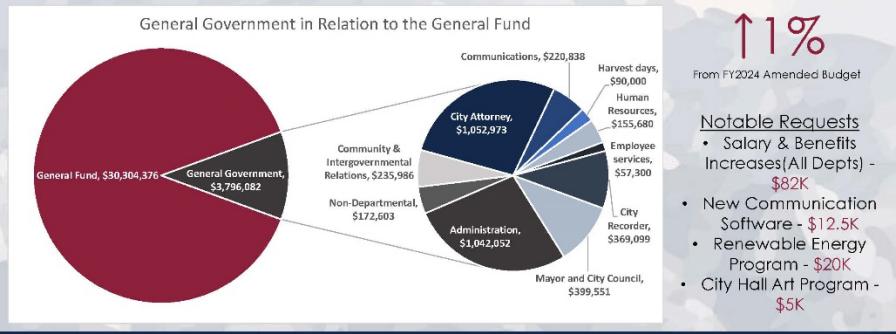
## General Fund – One-Time Expenditures

- Grants - **\$130K** (Includes Boys & Girls Club, Arts Council, CBC, and Hillcrest Sports)
- Renewable Energy Program - **\$20K**
- Outside Legal Council - **\$60K**
- Harvest Days - **\$90K**
- Transfer to Capital Projects Fund - **\$3M**

FY2025 Tentative Budget Overview

## General Fund – General Government

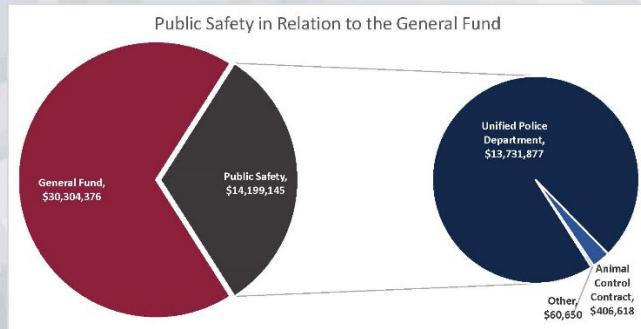
Total Budget - **\$3,796,082** (12.5% of GF)



FY2025 Tentative Budget Overview

## General Fund – Public Safety

Total Budget - \$14,199,145 (46.86% of GF)



↑15%

From FY2024 Amended Budget

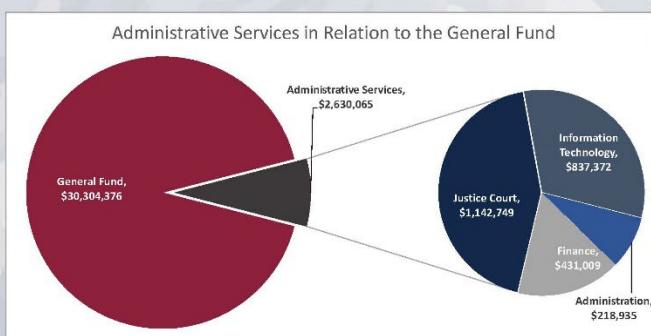
### Notable Requests

- 15% Increase from FY24 UPD Contract Budget - \$1.7M
- Increase in Animal Control Contract – \$64K

FY2025 Tentative Budget Overview

## General Fund – Administrative Services

Total Budget - \$2,630,065 (8.7% of GF)



↑0.8%

From FY2024 Amended Budget

### Notable Requests

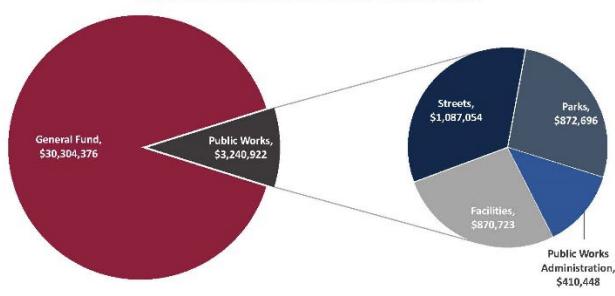
- Salary & Benefit Increases (All Depts) - \$68K
- Existing Software Increases - \$12K
- New Event Software - \$12K

FY2025 Tentative Budget Overview

## General Fund – Public Works

Total Budget - \$3,240,922 (10.7% of GF)

Public Works in Relation to the General Fund



↑3.4%

From FY2024 Amended Budget

Notable Requests

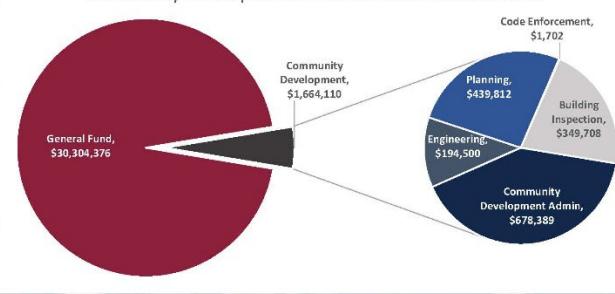
- Salary & Benefit Increases (All Depts) - \$101K
- Minor Operating Increases - \$6K

FY2025 Tentative Budget Overview

## General Fund – Community Development

Total Budget - \$1,664,110 (5.5% of GF)

Community Development in Relation to the General Fund



↓4%

From FY2024 Amended Budget

Notable Requests

- Salary & Benefit Increases (All Depts) - \$32K
- Addition of Full Time Building Official and Plan Reviewer - \$219K

FY2025 Tentative Budget Overview

## Debt Service Fund

**Total Budget - \$1,757,672**

### Revenues

- Transfer from General Fund – \$1.06M
- Developer Loan Payment - \$245K
- Transfer from RDA - \$449K

### Expenditures

- 2017 Sales Tax Bonds (Road Bond) - \$784K
- Lease payment to MBA (City Hall/Parks Bond) - \$279K
- CHG Parking Structure Loan (developer paid) - \$245K
- Zions Parking Structure Loan (RDA paid) - \$449K

FY2025 Tentative Budget Overview

## Capital Projects Fund

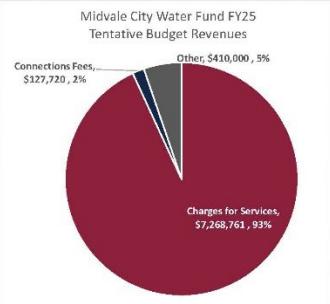
**Total Budget - \$28,125,225**

Sales Tax (\$1.03M)	HB244 & Financing (\$7.96M)	Interest Earned (\$100K)	Fund Balance & Financing (\$19M)	Grants (\$65K)
Sidewalk, Curb, & Gutter Replacement - \$215K	Stagg Street Infrastructure - \$6M	Facility Maintenance - \$40K	Public Works Facility (\$19M) GF \$3M, ARPA \$4M, CP \$3M, Financing \$9M	Porter Rockwell Trail Study - \$75K
Pavement Management - \$815K	Center Street Project - \$1.96M	City-Wide Mural Program - \$20K		

FY2025 Tentative Budget Overview

## Water Fund - Revenues

Total Revenues - \$7,806,481



↓48%

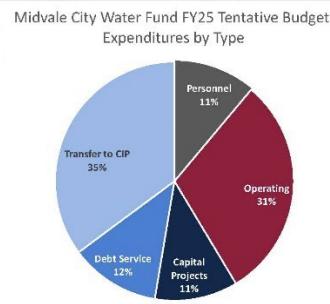
From FY2024 Amended Budget

- The Water Fund budget is prepared per the five-year Comprehensive Financial Sustainability Plan (CFS) that was completed in FY2021.
- The Water Fund bonded in FY24.

FY2025 Tentative Budget Overview

## Water Fund - Expenditures

Total Expenditures - \$11,378,833



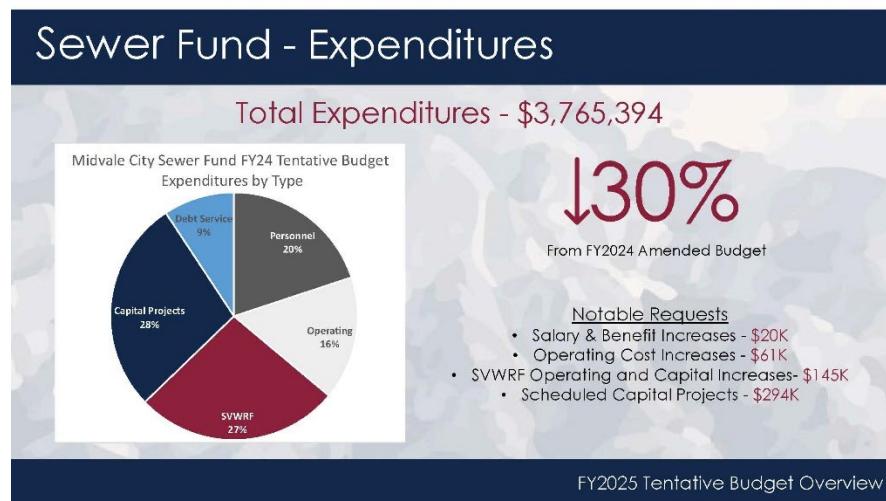
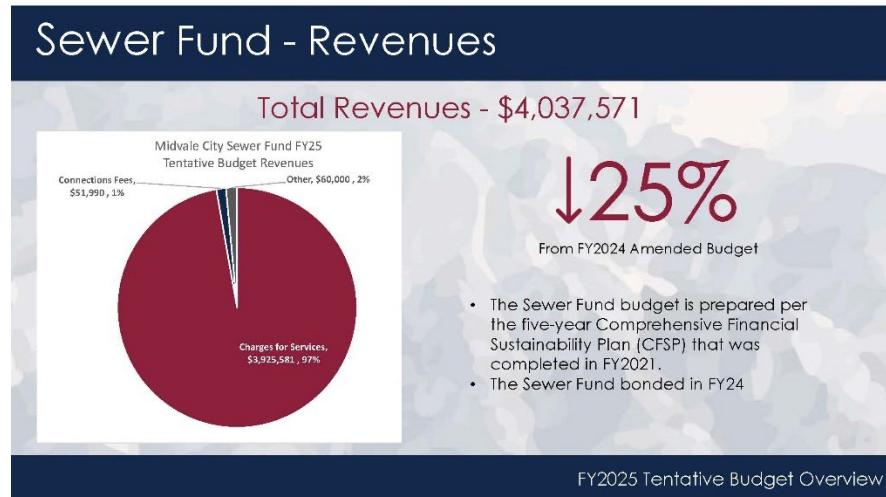
↓22%

From FY2024 Amended Budget

### Notable Requests

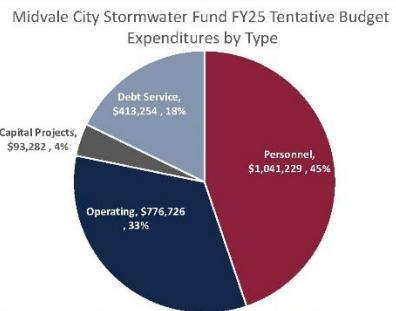
- Salary and Benefit Increases - \$167K
- Operating Cost Increases - \$39K
- JVWCD Contract Changes - \$132K
- Scheduled Capital Projects - \$1.3M
- ARPA Funds transferred to CIP for new Public Works Facility - \$4M

FY2025 Tentative Budget Overview



## Storm Water Fund

Total Budget - \$2,324,491



↓4%

From FY2024 Amended Budget

Storm Water Master Plan & Rate Study currently underway.  
Revenues include a 4% Increase in the Stormwater Fee. (9.00 to \$9.36)

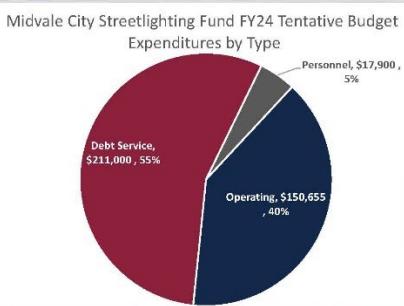
Notable Requests

- Salary & Benefit Increases - \$35K

FY2025 Tentative Budget Overview

## Street Lighting Fund

Total Budget - \$187,597



↓53%

From FY2024 Amended Budget

The Streetlight portion of the 2012 MBA Series Bond Matured in FY24.  
Requesting to maintain streetlight fee (\$3) to fund a Master Plan, Capital Improvements, and a Rate Study (Not currently budgeted)

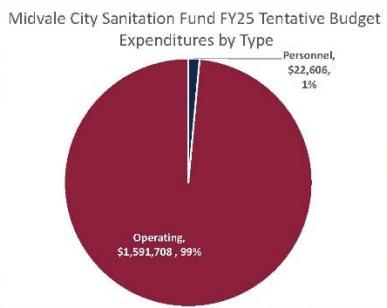
Notable Requests

- Salary & Benefit Increases - \$1K

FY2025 Tentative Budget Overview

## Sanitation Fund

Total Budget - \$1,615,314



↑7.2%

From FY2024 Amended Budget Expenditures

4% Increase in Sanitation Rates  
Garbage: \$12.11 to \$12.59  
Recycling: \$4.14 to \$4.31

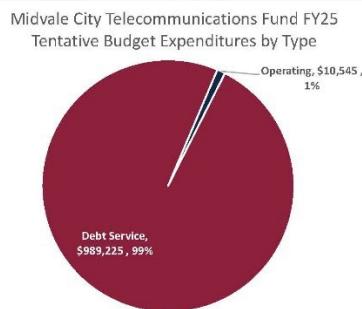
Notable Requests

- Salary & Benefit Increases - \$1K
- Contract Increases - \$62K
- One-Time Tipping Fees - \$35K

FY2025 Tentative Budget Overview

## Telecommunications Fund

Total Budget - \$999,770



↑12%

From FY2024 Amended Budget Expenditures

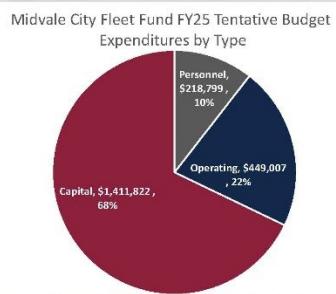
Notable Requests

- UTOPIA Pledge Payments - \$989K

FY2025 Tentative Budget Overview

## Fleet Fund

Total Budget - \$2,079,628



↑3%

From FY2024 Amended Budget Expenditures

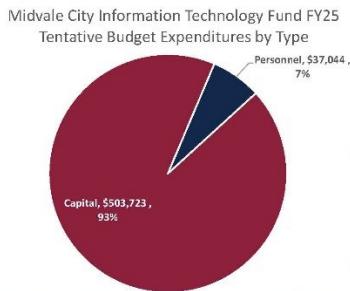
### Notable Requests

- Increases in Vehicle Operating Costs - \$22K
- Vehicle & Equipment Replacement- \$1.4M

FY2025 Tentative Budget Overview

## Information Technology Fund

Total Budget - \$540,767



↑35%

From FY2024 Amended Budget Expenditures

### Notable Requests

- Moving City-Wide Software & Internet into IS Fund - \$18K
- Software Requests – ESRI Enterprise & Proof Point - \$67K
  - Community Development Software - \$200K
  - New Copiers - \$32K
  - Hardware Replacement - \$40K

FY2025 Tentative Budget Overview

**MOTION:** **Council Member Dustin Gettel MOVED to open the public comment portion of the public hearing. The motion was SECONDED by Council Member Bonnie Billings. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

There were no public comments

**MOTION:** Council Member Dustin Gettel MOVED to close the public hearing. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

**ACTION:** Consider Resolution No. 2024-R-21 Adopting the FY2025 Tentative Budget of Midvale City beginning July 1, 2024, and ending June 30, 2025.

**MOTION:** Council Member Dustin Gettel MOVED to Approve Resolution No. 2024-R-21 Adopting the FY2025 Tentative Budget of Midvale City beginning July 1, 2024, and ending June 30, 2025. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Bonnie Billings	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

**MOTION:** Council Member Dustin Gettel MOVED to discuss Discussion item A. The motion was SECONDED by Council Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.

## **VII. DISCUSSION ITEM**

### **A. DISCUSSION ON AMENDING PRIVATE STREET STANDARDS TO MEET PUBLIC STREET STANDARDS**

Adam Olsen said 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 recommended 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—requested by property owners due to upkeep cost, for example—the City can more easily take over maintenance responsibilities.

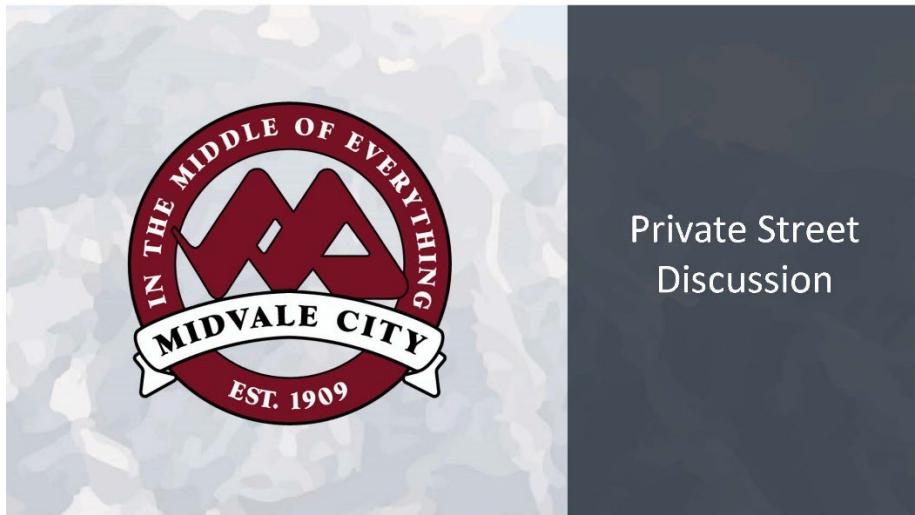
The item was discussed at the April 10th Planning Commission meeting. Many Planning

Commissioners felt the current reduced-width standards for private streets should remain, as it allows greater flexibility for infill development. However, they also understood staff's concern that, if the City takes over private streets in a development, having those streets constructed to public street standards would ensure a smoother transition.

If the Council is amenable to amending the standards, staff will return with an ordinance reflecting such change.

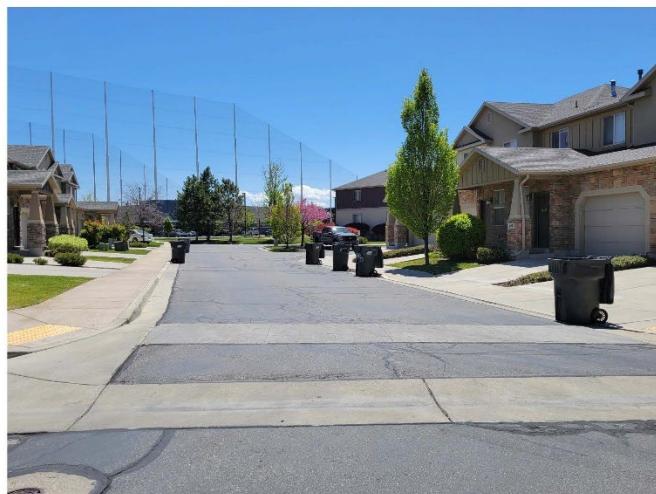
#### **16.02.050 Design standards.**

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.~~



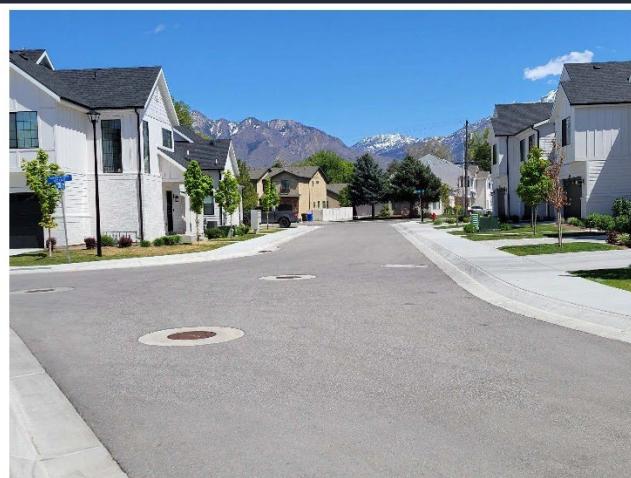
Private Street  
Discussion

Proceedings of City Council Meeting  
May 7, 2024



Proceedings of City Council Meeting  
May 7, 2024





Mayor Stevenson asked if this would apply to new streets or current streets.

Adam Olsen said it would just be for new developments.

**MOTION:** **Council Member Dustin Gettel MOVED to open the public comment portion of the public hearing. The motion was SECONDED by Council**

**Member Heidi Robinson. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

Mike Dansie explained that the roads are too narrow for cars to park on the street and for cars to get down the street. The snowplows are unable to get down the street and often avoid plowing the street if they see cars parked anywhere.

Ken Jackson, living at 6760 S 300 E, said he is trying to sell his property and this proposal has already lost him over \$400,000 in offers. He opposed the proposal as it is proposed.

**MOTION: Council Member Paul Glover MOVED to close the public hearing. The motion was SECONDED by Council Member Dustin Gettel. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

Council Member Dustin Gettel said the City shouldn't be required to take back any private street unless it meets the 50 ft requirement.

Keith Ludwig said the City hasn't had a request to take over a private street for years, and requests are typically denied. However, he did get a request yesterday. Taking over a private street does present a lot of issues like maintenance and snow plowing, even if no improvements are made to the street the City still has to take on that expense. Over the years, the City has had to deal with private streets, for instance the avenues. The City used CDBG funds to improve the avenues, and rebuild the streets, but those improvements were needed for the City to maintain them. He said he likes the idea of going forward with this amendment if the City wants to be able to take over maintenance of the streets in the future.

Mayor Stevenson said he would like to have a City standard and policy in place to help with future decisions on street adoption and maintenance take over.

Garrett Wilcox explained that any future Council could make changes to any decision made that night, and the HOA of a community can also make changes or go defunct, which would affect any decision now or in the future.

Council Member Bryant Brown asked if the City could put a cap on the size of area the City would consider taking over.

Garrett Wilcox said the State law does not mention private streets. The City can set the standards as a local government.

Council Member Dustin Gettel said he would like to leave this the way they currently are and let the private communities deal with the issue.

Council Member Bryant Brown said he sees ADA issues with no sidewalks.

Adam Olsen said he senses the hesitancy to make a change, but if the City is planning to take over a street, the Council would want the street to be up to current standards.

Matt Dahl asked for a consensus of how many want 1. A policy of not changing the current standards and the City doesn't take over private roads that do not meet those standards. Or 2. The standard changes and requires future projects to build to City standards, recognizing that a future situation may require the City to make concessions, but the policy is that the City does not take over private roads.

The Council was split on what they wanted to do.

Council Member Bryant Brown and Council Member Paul Glover said they would like to cap the size of the community that would be considered.

Ken Jackson, Midvale resident, said he feels like he is being punished as a property owner due to the timing of this amendment coinciding with his property sale. He asked about the timeline for this decision.

Keith Ludwig said he would like to see the City say they are not interested in taking over any private streets that do not meet our minimum standards. The Council will then have time to make a final decision, and then the requestor can re-apply in the future.

Matt Dahl said he understands the decision to be that new developments over a certain size would have to meet City standards and the City will not take over roads that do not meet the standards.

Garrett Wilcox explained that nothing will be decided that night, and this will need to be brought back as an action item at a future meeting.

## **VIII. CONSENT AGENDA**

### **A. CONSIDER MINUTES OF April 16, 2024**

### **B. SET DATE AND TIME [MAY 21, 2024, AT 7:00 PM] FOR A PUBLIC HEARING TO CONSIDER ADOPTION OF THE FISCAL YEAR 2025 BUDGET FOR MIDVALE CITY BEGINNING JULY1, 2024 AND ENDING JUNE 30, 2025.**

**MOTION:** Council Member Paul Glover MOVED to approve the Consent Agenda. The motion was SECONDED by Council Member Dustin Gettel. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:

Council Member Bonnie Billings	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye

<b>Council Member Bryant Brown</b>	<b>Aye</b>
<b>Council Member Dustin Gettel</b>	<b>Aye</b>
<b>The motion passed unanimously.</b>	

**IX. ACTION ITEMS**

**A. CONSIDER RESOLUTION NO. 2024-R-22 AUTHORIZING THE MAYOR TO SIGN A LETTER OF CONCURRENCE WITH WASATCH FRONT REGIONAL COUNCIL (WFRC) FOR A PARKS AND OPEN SPACE PLAN**

Adam Olsen said Midvale City was awarded financial assistance through a Transportation and Land Use Connection (TLC) grant for a Parks and Open Space Master Plan. The Parks and Open Space Master Plan will be the first of its kind for Midvale, providing a comprehensive analysis and recommendations for the City's existing and future parks and open space network, including preparation of an Impact Fee Facilities Plan (IFFP), a required step in the preparation and implementation of a Parks and Open Space Impact Fee Analysis for the collection of development impact fees for improvement and expansion of the City's open space areas.

The scope of the project includes, among other things, an analysis of existing conditions, future needs analysis, an implementation plan, and an Impact Fee Facilities Plan (IFFP). Opportunity for public input and project updates to Planning Commission and City Council are included in the scope.

The City's required match is \$40,000. This amount was included in the FY 24 budget and carried over to the FY 25 budget, in anticipation of the plan.

The plan and associated IFFP will ultimately be approved by the City Council.

**MOTION: Council Member Dustin Gettel MOVED to approve Resolution No. 2024-R-22. Authorizing the Mayor to Sign a Letter of Concurrence with Wasatch Front Regional Council (WFRC) for a Parks and Open Space Plan. The motion was SECONDED by Council Member Paul Glover. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:**

<b>Council Member Bonnie Billings</b>	<b>Aye</b>
<b>Council Member Paul Glover</b>	<b>Aye</b>
<b>Council Member Heidi Robinson</b>	<b>Aye</b>
<b>Council Member Bryant Brown</b>	<b>Aye</b>
<b>Council Member Dustin Gettel</b>	<b>Aye</b>

**The motion passed unanimously.**

**B. CONSIDER RESOLUTION NO. 2024-R-23 AUTHORIZING THE MAYOR TO SIGN A LETTER OF CONCURRENCE WITH WASATCH FRONT REGIONAL COUNCIL (WRFC) FOR THE PORTER ROCKWELL TRAIL PLAN.**

Jonathan Anderson said Midvale City was awarded financial assistance through a Transportation and Land Use Connection (TLC) grant for the Porter Rockwell Trail Plan. The project would be to determine the feasibility of connecting to and continuing the Porter Rockwell trail from our southern border at Sandy, to the northern border with Murray City. This trail is identified as #142 in the Mid Valley Active Transportation Plan, and on WFRC's Regional Transportation Plan as a planned connection. This would be an important connection for a regional active transportation facility. Members of the Trails Division at UDOT suggested pursuing this to complete the northern portion of the Porter Rockwell trail.

The City's required match is \$10,000. This amount has been included in the FY 25 budget.

**MOTION:** **Council Member Dustin Gettel MOVED to Approve Resolution No. 2024-R-23. Authorizing the mayor to sign a Letter of Concurrence with Wasatch Front Regional Council (WFRC) for The Porter Rockwell Trail Plan. The motion was SECONDED by Council Member Paul Glover. Mayor Stevenson called for discussion on the motion. There being none, he called for a roll call vote. The voting was as follows:**

Council Member Bonnie Billings	Aye
Council Member Paul Glover	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

**X. ADJOURN**

**MOTION:** **Council Member Paul Glover MOVED to adjourn the meeting. The motion was SECONDED by Council Member Dustin Gettel. Mayor Stevenson called for discussion on the motion. There being none, he called for a vote. The motion passed unanimously.**

The meeting adjourned at 10:58 p.m.



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



Approved this 4th day of June 2024

Proceedings of City Council Meeting  
May 7, 2024