



**CITY COUNCIL MEETING**  
**Minutes**  
**Tuesday September 17, 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; Adam Olsen, Community Development Director; Wendelin Knobloch, Planning Director; Laura Magness, Communications Director; Cody Hill, Economic Development Manager; Elizabeth Arnold, Senior Planner; Aubrey Ruiz, Community Development Executive Assistant; Jonathan Anderson, Planner II; Chief Randy Thomas, UPD; Chief Brad Larson, UFA; and Matt Pierce, IT Director.

**6:00 p.m. – WORKSHOP**

- Recognition of Chief Randy Thomas

**7:00 p.m. – REGULAR MEETING**

Mayor Marcus Stevenson called the business meeting to order at 7:02 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 Police Department Report**

Chief Randy Thomas began with the August statistics report, there were 2,852 calls for service in August resulting in 979 general offense reports. Citations were below normal at 248, with 45 being warnings and 203 being penalty citations. The Selective Traffic shifts saw nearly no citations, the Chief attributes this to the mandatory overtime shifts being filled throughout the police department due to manpower shortages. Chief Thomas said they are starting to see some good

recruitment efforts and many of the new recruits are already trained, speeding up the hiring process.

Chief Thomas expressed recognition to Sargeant Chacone's shelter resource efforts in the community. Sargeant Chacone and crew went into the encampment at the site of the Century Link building near 8000 South and State Street and was able to clear the camp and disperse the campers. The Chief also recognized Sargeant Levine and his unit for their work in confiscating several hundred fentanyl tablets as well as a weapon and other paraphernalia from a hotel room. Chief Thomas expressed his concern about Officer Lopez, who this morning, while on a peace disturbance call, was physically assaulted by a suspect. The Officer was released from the hospital and is doing well.

The Chief said that next Monday, 9/23, the department will have the Code 7 Café food truck at the precinct, the food truck will be open 12 – 2:30 and 7:30 pm - 9 pm, and on Thursday 9/26, 12:30 – 3 and 7:30 pm – 9 pm serving hotdogs and hamburgers, at no charge, to the employees. The Chief invited Council to stop by for lunch or dinner.

Chief Thomas announced his excitement to have Lieutenant April Morse appear before the council tonight. Three officers interviewed for the position of Police Chief, all the candidates are great officers and Chief Thomas respects the council and mayor's decision on who they chose to fill the position.

Mayor Stevenson announced that Chief Thomas is retiring and said how much he appreciates everything Chief Thomas has taught him, the mayor considers Chief Thomas a friend and mentor. The mayor gave examples of how Chief Thomas regularly went above and beyond to be engaged with the residents in the community, build trust, and create a positive culture between Midvale residents and the police department.

## **II. PUBLIC COMMENTS**

Michele Ernest Cameron and Levi Ernest are developing 375 W Millennium Way near the Century Link building. They wanted to say that Chief Thomas and Sargeant Chacone have been amazing to work with throughout the development process. Levi Ernest said it's been interesting watching the building come down and expressed appreciation for the work and support from UPD during this process and the great job UPD and Midvale City are doing.

Nancy Beggs said she lives just over the fence of the Century Link building. She wondered what can be done about the drug use by McDonalds and the hotel by 7200 South and the freeway. She would like to have a community meeting with the police to talk about what's going on with drugs in the area. She wants to find a way to stop the drugs and help people overcome their addictions.

Mayor Stevenson said he understands that a neighborhood meeting to address this issue is in the planning stages. The mayor also spoke about a bond that Salt Lake

County is putting on the next ballot to address drug and addiction issues and encouraged Nancy to look at the bond as well.

### **III. MAYOR REPORT**

Mayor Marcus Stevenson announced that he was elected to be on the League of Cities and Towns board of directors. He said the city is participating in the Get to the River Festival, last week there was a free movie in the park at Bingham Junction Park, the movie was Up River, a documentary about a river restoration in Oregon. This Friday they will be kayaking the Jordan River, Unified Fire Authority's Swift Water Rescue team will be participating, teaching water safety. On Saturday at 6 p.m. the Art House Grand Opening will be taking place on Main Street, the mayor invited everyone to attend.

### **IV. COUNCIL REPORTS**

**A. Council Member Bonnie Billings** – nothing to report.

**B. Council Member Paul Glover** – congratulations Mayor on the appointment to the board and a thank you and much appreciation to Chief Thomas.

**C. Council Member Heidi Robinson** - thanked Chief Thomas for his concern for his officers and the city residents and for always having a sense of humor.

**D. Council Member Bryant Brown** – thanked Chief Thomas and told his favorite recent memory of an interaction he had with the Chief.

**E. Council Member Dustin Gettel** – thanked Chief Thomas, stating that it's been a pleasure working with him. The Midvale staff have done a lot of good things in Midvale and the Chief has been part of those good things that have been positive for the community. Midvale has the best Chief in Salt Lake County and we will miss him.

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

**A.** Matt Dahl expressed his appreciation for Chief Thomas, they have known each other for a long time and Matt has always thought of him as a strong leader. He appreciates everything the Chief has done for Midvale and wishes him the best retirement.

**MOTION:** Council Member Dustin Gettel **MOVED** to Proceed to Action Item A to Consider **RESOLUTION NO. 2024-R-43**. 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.

**VI. ACTION ITEM**

**A. CONSIDER RESOLUTION NO. 2024-R-43 RATIFYING THE SELECTION OF APRIL MORSE AS THE UNIFIED POLICE DEPARTMENT'S MIDVALE PRECINCT CHIEF.**

Matt Dahl said Midvale is a member community of UPD, which provides law enforcement services to its members. UPD has two main components: shared services and local precincts. Shared services include administrative functions and specialized units like SWAT, forensics, K-9, and community relations, supporting all member communities as needed. Local precincts function as the police departments for each community, housing patrol officers, detectives, civilian staff, and volunteers. Each precinct is led by a Precinct Chief, who oversees local operations such as community policing, traffic enforcement, property crime investigations, school resource officers, patrol, and crossing guards. The Precinct Chief, though an employee of UPD, works closely with the staff of the community they serve.

According to the Interlocal Agreement that established UPD, the appointment, transfer, and removal of Precinct and Division Chiefs are governed by policies set by the UPD Board of Directors. The Precinct Chief reports directly to the UPD Chief of Police, and current UPD policy allows each member community to lead the selection process for their Precinct Chief.

The current Midvale Precinct Chief, Randy Thomas, is retiring in October. To fill this role, a selection process was initiated. Since the Midvale Precinct Chief also oversees policing in White City, a nearby township, the selection committee included three representatives from Midvale, two from White City, and one from UPD. The committee interviewed three highly qualified candidates and ultimately selected Lieutenant April Morse for the position.

Lt. Morse has 27 years of law enforcement experience with UPD and the Salt Lake Sheriff's Office, including roles in corrections, patrol, investigations, and administration. She has 14 years of supervisory experience and has served as Executive Officer or Deputy Chief for UPD's Investigation, Special Operations, and Professional Standards divisions. She is currently UPD's Executive Officer for Professional Standards. Lt. Morse has a Masters of Social Work from Boston University and is a Graduate of the FBI National Academy. The selection committee believes Lt. Morse's experience and vision for law enforcement in Midvale make her an excellent choice for Precinct Chief.

The Midvale City Council is now being asked to consider a resolution ratifying Lt. Morse's selection. Given that this will be the first time the City Council will hear discussion on the selection of Lt. Morse, the City Council will need to suspend the rules to take action on the ratification. If ratified by the City Council, additional approvals will be needed from White City and the UPD Board of Directors before Lt. Morse can officially assume the role of Midvale Precinct Chief.

Council Member Bryant Brown asked April Morse, Utah or BYU? Lt. Morse said Utah.

Mayor Stevenson said Lieutenant Morse impressed him for a lot of reasons, he was impressed with her approach towards tailoring the officer to the job. He appreciates the care she takes to make sure the officers receive what they need from a mental health aspect and how she uses resources available to her to bring back skills and knowledge to implement throughout the department. All of this effort ensures that the officers and the community are well taken care of.

Council Member Dustin Gettel noted the historic nature of the appointment of April Morse, the first woman serving as Police Chief in Midvale. Lieutenant Morse has excellent credentials and will do a great job.

**MOTION: Council Member Heidi Robinson MOVED to suspend the rules to Approve RESOLUTION NO. 2024-R-43. Ratifying the Selection of April Morse as the Midvale Precinct Chief. 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	Aye
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

**MOTION: Council Member Bryant Brown MOVED to Proceed to Public Hearings. 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.

## **VII. PUBLIC HEARINGS**

- A. CONSIDER A REZONE REQUEST TO CHANGE THE ZONING FROM SINGLE FAMILY RESIDENTIAL-1 (SF-1) AND STATE STREET COMMERCIAL (SSC) TO MULTIFAMILY RESIDENTIAL-MEDIUM TO HIGH DENSITY (RM-25) FOR LOTS LOCATED AT 58 W 7500 S AND 7444 S STATE ST. INFORMATION REGARDING THE PROPOSED REGULATIONS, PROHIBITIONS, AND**

**PERMITTED USES THAT THE PROPERTY WILL BE SUBJECT TO IF THE REZONE IS ADOPTED CAN BE FOUND IN MIDVALE CITY CODE 17-7-4.**

Elizabeth Arnold said the project proposal comprises 4 parcels totaling 1.66 acres. The applicant has outlined the reason for their proposal; this has been included in the attachments.

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 #1 and #3 listed above – it aligns with the general plan and encourages redevelopment of parcels that currently host a dilapidated massage parlor, overgrown weeds, a rundown home, and miscellaneous cars and trash.

The Midvale City General Plan identifies nine Opportunity Areas. Opportunity Areas are where changes in the types and/or intensities of current land uses are anticipated. In these areas, denser residential uses, mixed residential and commercial uses and larger, taller buildings are anticipated to take advantage of the transportation infrastructure and to generate more tax revenue for the City.

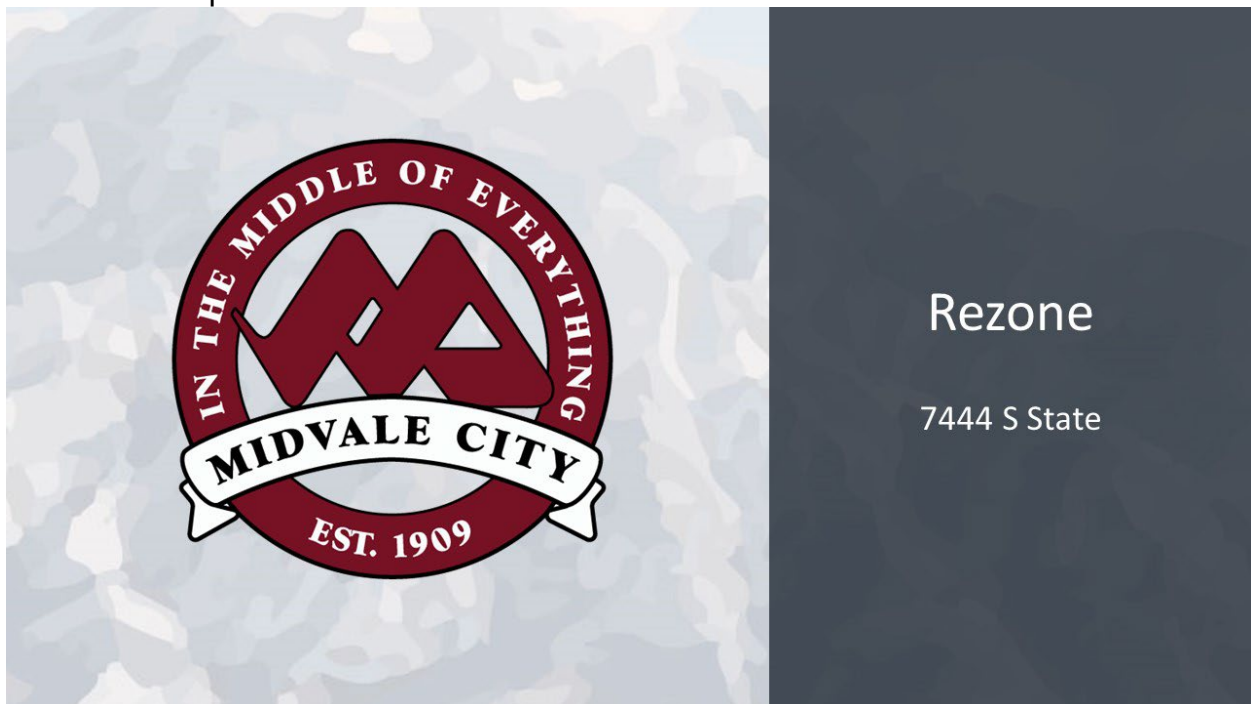
The 2016 Midvale City General Plan identifies the subject property as being in the Middle State Street Opportunity Area and lists eight goals for the area. The proposed rezone is consistent with Goal #1:

*1. Support development of higher-value commercial and business uses through the development of mixed-use and higher density residential uses*

Public notice has been sent to property owners within 500 feet of the subject area. A petition against the rezone was submitted. Three written emailed objections were

received for the Planning Commission meeting held on August 14, 2024. Additionally, a petition submitted at the meeting and an exhibit detailing an easement that exists on the west property line have been included in the attachments. Other members of the public attended this Planning Commission meeting to express their concerns. The video recording of this meeting can be found here.

John Samoni, Signature Homes, thanked everyone in the city for their help. The project is located at 7444 S State Street. There are currently two structures on the property, a home and a massage spa, the remaining property is overgrown weeds and junk cars. The developer believes that the rezone is necessary to comply with the general plan proposed land use map or to provide land for a community that was not anticipated at the time of adoption of the general plan. It is in the public interest to redevelop the area to maintain consistency with the surrounding neighborhood. This development is designed to be a for sale product to individual homeowners, not a rental community. This property will not be accessed off 7500 South, the entrance and exit will be on State Street only. John Samoni is happy to answer questions and he added his phone number to his presentation slides.





## Zone Map Amendment Criteria

Midvale City Code 17-3-1.E:

- 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;**

## General Plan Opportunity Area

The 2016 Midvale City General Plan identifies the subject property as being in the **Middle State Street Opportunity Area** and lists eight goals for the area. The proposed rezone is consistent with Goal #1:

- 1. Support development of higher-value commercial and business uses through the development of mixed-use and higher density residential uses.**

## Recommended Motion

“I move that we approve Ordinance No. 2024-O-22 authorizing the Rezone request for lots located at 58 W 7500 S and 7444 S State St from Single Family Residential-1 (SF-1) and State Street Commercial (SSC) to Multifamily Residential-Medium to High Density (RM-25) zone consistent with the findings included in the staff report.”



## 7444 S State St. Rezone

Presented by Signature Homes, LLC  
September 2024

### Current zoning

- Single Family Residential Zone (SF-1)
- State Street Zone (SSC)

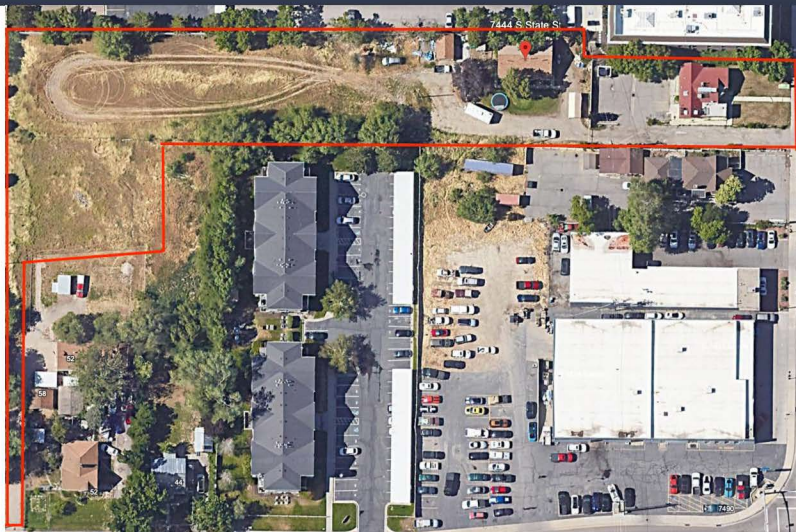
### Proposed zoning

- Multifamily Residential - Medium to High Density Zone (RM-25)

SH.

## Property Description

- 4 parcels
- 1.66 acres total
- Fronting State Street
- SF-1 & SSC zoning
- Hosts dilapidated structures, overgrown weeds, cars and trash
- Recent scene of tragic crime



## Rezone to Realign - Municipal Code 17-3-1(E)

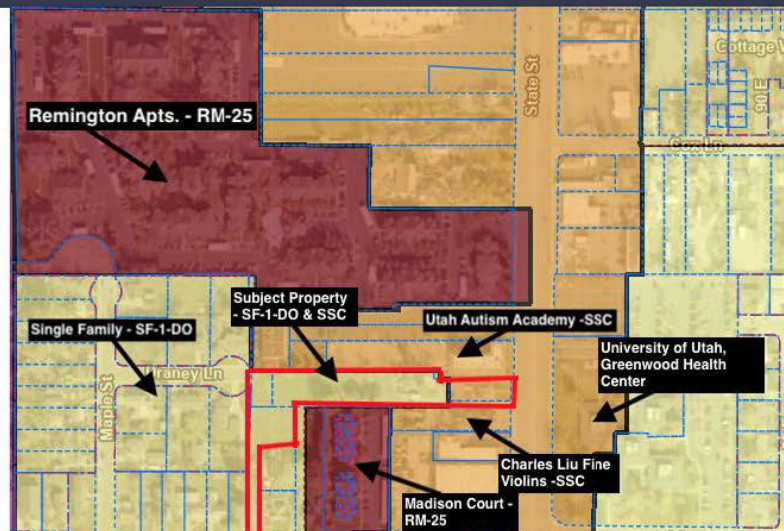
1. "Proposed rezoning is necessary either to comply with the general plan proposed land use map or to provide land for a community that was not anticipated at the time of adoption of the general plan;"

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."

## Neighborhood consistency

How compatible with the current neighborhood is an increase in housing density?

- Madison Court (26 W 7500 S)
- Single Family - SF-1 (West)
- Charles W Liu Fine Violins (7450 S State St.)
- University of Utah, Greenwood Health Center (7495 S State St.)
- Utah Autism Academy (7434 S State St.)
- Remington Apartments (7400 S State St.)



## Spot zoning?

The metrics indicated herein display the approximate metrics of the project's land area as it relates to its envionned zoning.

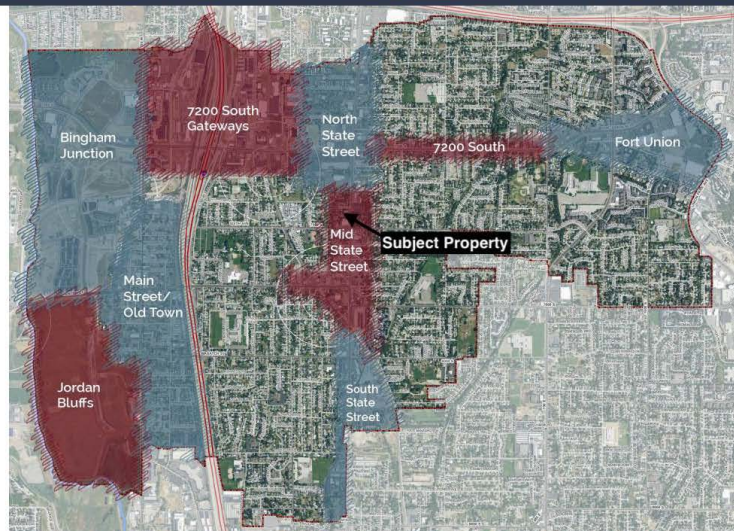
- The red dotted lines indicate that 69% of the project's land area is bordered with SSC and & RM-25
- The green dotted lines indicate that 31% of the project's land area is bordered with SF-1



## Middle State Street - Opportunity Area

Opportunity Areas as defined in the Midvale City General Plan - "...areas where market forces, increased land values and opportunities for redevelopment of under-utilized land are likely to bring about changes in land uses."

- New developments along major streets
- Projects in opportunity areas anticipated to be at higher density than current land use
- Middle State Street Opportunity Area goal compliance



## Considering Mixed Use (MU)

### Considering Mixed-Use (MU)

- Encourage home ownership as opposed to rental communities
- Small frontage on property that doesn't support many commercial uses
- Skinny lot would make parking and through traffic a nuisance for homeowners



## Traffic & Parking

### 7500 South Traffic

- Subject property will not connect to 7500 S
- Entrance and exit on State St. only

### State Street Traffic

- 6 lanes of traffic with center turning lane
- Minor, for sale, residential development

### Parking

- Off-street parking only
- 2 - 2.5 stalls/unit depending on bed count
- 1 stall/4 units for guest parking



## Contact

**Thank you!**

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**John Semnani**  
Developer / General Contractor



**(801)-550-1818**

Elizabeth stated additional public comments were received and sent to Council.

**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.

Sally Smith, 150 W 7500 S., said she is glad she was here because the developer has cleared up a lot of questions. Two things she wants to address, one is the entrance into that new development from State Street, will the massage parlor be removed completely? And second, will there be a U Turn available and where is the parking located? Will there be four units on that acre? How will rezoning affect commercial buildings in front of development? The biggest concern is the apartment complexes that have gone up since she moved here. Parking is lacking in the new apartment buildings on Main Street.

Dan Peters, 52 W 7500 S, No. 2 & 3, owns a duplex but doesn't rent it out because he is not in favor of renting. The overgrown weeds only apply to the property in question, he has asked the owner to cut them and the owner refuses. Traffic is key to this area. The proposed building will be 11 feet from his property line, a building this tall will result in perpetual shade and a lack of privacy. He is concerned about the deterioration of the longtime tradition, mindset, and attitude of the community.

Lorene Butler, apologized for what she said in her email, she was feeling not heard when she sent it. She understands what public meetings are for. She opposes a U Turn, they aren't safe. She is concerned that there will be a huge increase in traffic on her street. She is concerned about the development becoming rentals.

Ashley Castle, 52 W 7500 S, No. 1 & 4, is concerned about building height but understands the area needs to be developed. She prefers they keep a single-family duplex overlay. Townhomes will be towering over the existing properties and can be turned into rental properties within 30 days. The added car and foot traffic is concerning.

Sandra Smith, a Midvale resident of 67 years, said when they built their home in Midvale they adhered to the city codes in place, specifically that the home had to be complimentary to the other homes in the area. The homes in the neighborhood are older but are well kept. Her home is next to a field, and she is nervous about all the weeds there and the fire danger. She has had a beautiful view for 67 years and hopes a new development would extend the feeling of the neighborhood and community they have on Maple Street and Draney Lane. A high-rise complex will not keep that feeling of unity and friendship. She hopes to keep the new development as a single family to preserve safety and property values.

**MOTION:** Council Member Paul Glover **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-22 Authorizing a Zone Map Amendment for Approximately 1.66 Acres Located at 58 W 7500 S and 7444 S State St (Parcel Numbers: 22-30-301-012, 21-25-427-047, 21-25-427-009, 21-25-427-036) from Single Family Residential-1 and State Street Commercial to Multifamily Residential-Medium to High Density.

Council Member Paul Glover would prefer a development agreement instead of a rezone to assure the city gets what the developer initially proposes. Not much transition of height between single family homes and development. There has always been discussion on wanting some kind of transition between the different developments.

The Council discussed this issue at length including whether they can require the property for sale as opposed to rentals and the possibility of requiring a development agreement.

Council Member Dustin Gettel thanked everyone at the meeting for putting in the time to listen and participate so the council can get the best possible product for the residents and the developer. He would like to see a development agreement in place but he is also comfortable with the rezone the way it is presented contingent to a development agreement.

Garrett Wilcox stated that the council can't approve with a contingency of a development agreement later.

John Samoni said he doesn't have an issue with doing a development agreement and that most of the concerns are resolved with building code requirements. Concerning the access issue, the developer is happy to put up a fence to restrict unwanted access. The developer has never owned a rental property, he has sold to one person that used the property as an investment property, besides that one sale he has always sold to individual homeowners. He is happy to add stipulations and restrictions to restrict renting in an HOA agreement.

Mayor Stevenson said it is a challenge for the cities to address affordable housing and listen to and consider resident's concerns about new housing.

**MOTION: Council Member Dustin Gettel MOVED to Table Ordinance No. 2024-O-22 Authorizing a Zone Map Amendment for Approximately 1.66 Acres Located at 58 W 7500 S and 7444 S State St pending develop agreement and design elements approved by council. 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	No
Council Member Dustin Gettel	Aye

The motion passed 4-1 in favor.

**B. CONSIDER AMENDING SECTION 17-7-9.12.1 (RIVERWALK ZONE) OF THE MIDVALE MUNICIPAL CODE WHICH CLARIFIES THE RELATIONSHIP OF THE RIVERWALK ZONE TO OTHER APPLICABLE ZONES IN THE GEOGRAPHIC AREA AND DELETES SEVERAL USES FROM THE LIST OF AUTHORIZED USES IN THE ZONE.**

Wendelin Knobloch said this code text amendment was initiated by feedback from neighbors in the Bingham Junction area who are concerned about potential negative impacts of commercial areas on their residential environment. Geographically, the neighbors are especially concerned about the Riverwalk Zone, which is circumscribed by the Jordan River to the west, 7200 South to the south, 700 West to the west, and the Murray City boundary/6500 South to the north.

The code text amendment clarifies that the Riverwalk Zone controls in the event of a conflict between the Riverwalk Zone and the Bingham Junction Zone; it also deletes the following uses: Public Utilities: Major; Fireworks Stands; Outdoor Storage; Automobile Filling Station, Car Wash, and/or Repair; and Warehouse/Distribution.

Public notice has been sent to affected entities as required in 17-3-9.B of the Municipal Code. No public comments were made in writing, verbally, or during the public hearing before the Planning Commission.

*-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;

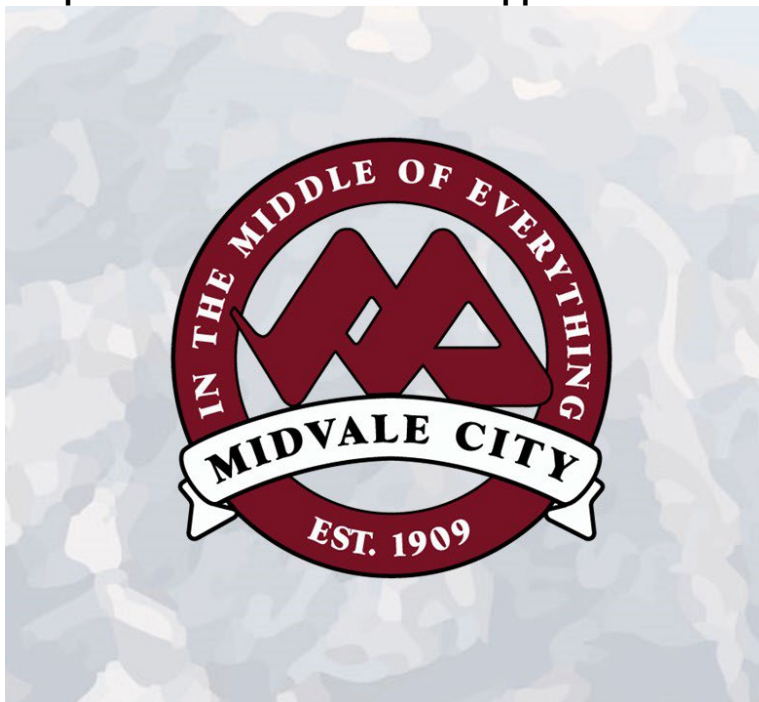
**Response: The request is not for a rezone; rather, an amendment to the zoning code that satisfies community needs.**

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.**



## Riverwalk Code Amendment

Designates the Riverwalk Zone  
as controlling in case of  
conflicting provisions, Deletes  
Uses

## Riverwalk Code Amendment

The purpose of this amendment is:

1. Define that the Riverwalk Zone controls in the event of conflicting provisions.
2. Delete Public Utilities Major, Fireworks Stands, Outdoor Storage, Warehouse/Distribution, Automobile Filling Station-Car Wash-Repair from Subareas 1 and 2 within the Riverwalk Zone.

## Riverwalk Code Amendment

Midvale Municipal Code Chapter 17-7-9.12.1, Riverwalk Zone

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### Chapter 17-7-9.12.1 RIVERWALK ZONE

Sections:

- 17-7-9.12.1.1 Purpose.
- 17-7-9.12.1.2 Boundary.
- 17-7-9.12.1.3 Use.
- 17-7-9.12.1.4 Single family residential development standards.
- 17-7-9.12.1.5 Medium and high density residential development standards.
- 17-7-9.12.1.6 Retail/office/flex and mixed-use lot and development standards.
- 17-7-9.12.1.7 Retail/office/flex and mixed-use landscaping.
- 17-7-9.12.1.8 Retail/office/flex and mixed-use architectural standards.
- 17-7-9.12.1.9 Trails and open space.
- 17-7-9.12.1.10 Streets and alleys.
- 17-7-9.12.1.11 Related provisions.

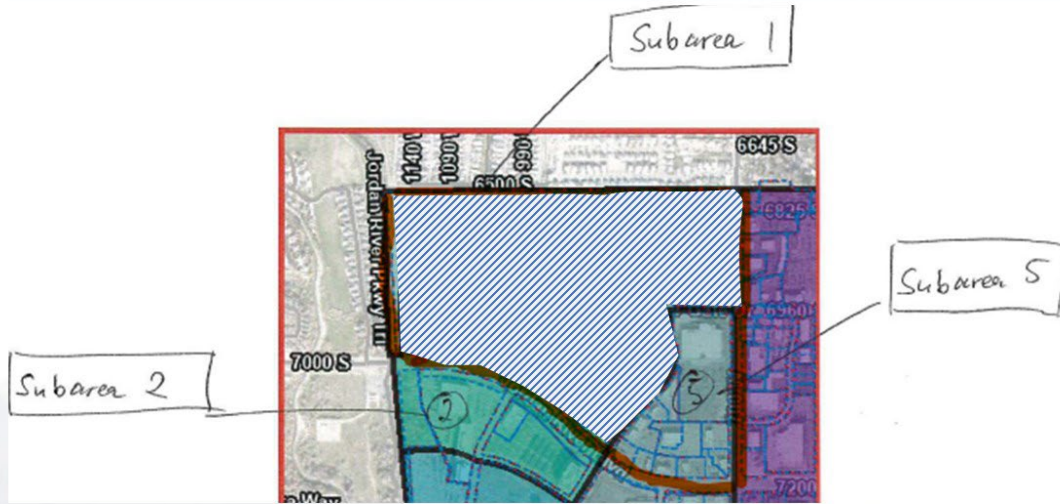
Legend

  - New text     - Delete Use

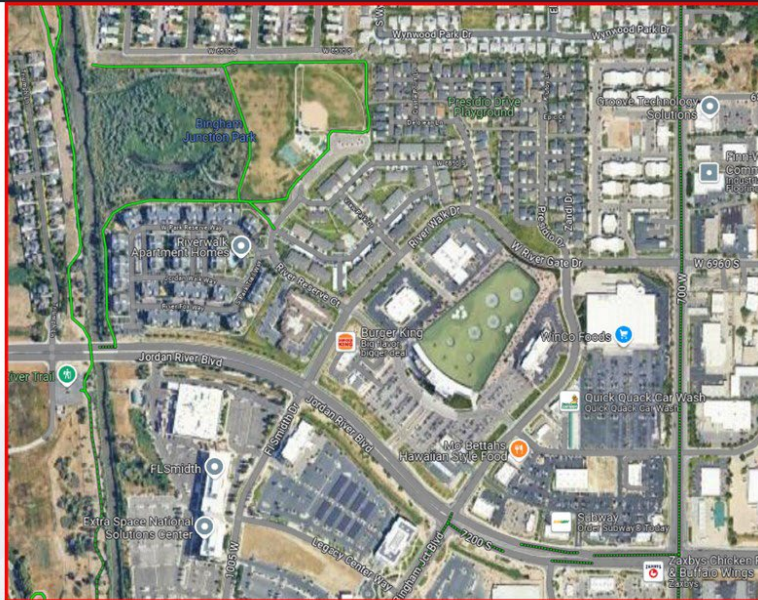
#### 17-7-9.12.1.1 Purpose.

The purpose of this chapter is to provide specific standards only applicable to the Riverwalk Zone. In the event of a conflict between the standards of the Riverwalk Zone and the Bingham Junction zone the Riverwalk Zone controls.

## Riverwalk Code Amendment



## Riverwalk Code Amendment



## Recommended Motion

I move to approve Ordinance No. 2024-O-23 Amending Section 17-7-9.12.1 (Riverwalk Zone) of the Midvale Municipal Code which clarifies the relationship of the Riverwalk Zone to other applicable zones in the geographic area and deletes several uses from the list of authorized uses in the zone.



**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 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-23 Amending Section 17-7-9.12.1 (Riverwalk Zone) of the Midvale Municipal Code which clarifies the relationship of the Riverwalk Zone to other applicable zones in the geographic area and deletes several uses from the list of authorized uses in the zone.

**MOTION:** Council Member Dustin Gettel MOVED to Approve Ordinance No. 2024-O-23 Amending Section 17-7-9.12.1 (Riverwalk Zone) of the Midvale Municipal Code which clarifies the relationship of the Riverwalk Zone to other applicable zones in the geographic area and deletes several uses from the list of authorized uses in the zone with the findings in the staff report. 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	No
Council Member Heidi Robinson	Aye
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed 4-1 in favor.

**C. CONSIDER REZONING APPROXIMATELY 6.7 ACRES OF PROPERTIES LOCATED AT 7490 S HOLDEN STREET, 7505 S HOLDEN ST., 7576 S HOLDEN ST., 7594 S HOLDEN ST., 7608 S HOLDEN ST., 7620 S HOLDEN ST., 7652 S HOLDEN ST., 7660 S HOLDEN ST., AND 7676 S HOLDEN ST FROM THE CLEAN INDUSTRIAL (CI) ZONE TO THE MAIN STREET FORM BASED CODE (MS-FBC) ZONE. INFORMATION REGARDING THE PROPOSED REGULATIONS, PROHIBITIONS, AND PERMITTED USES THAT THE PROPERTY WILL BE SUBJECT TO IF THE REZONE IS ADOPTED CAN BE FOUND IN MIDVALE CITY CODE 17-7-11.**

Jonathan Anderson said as Midvale Main Street has developed, staff feels that it would be appropriate to continue the MS-FBC zoning to the west across Holden St to further the goals of the 2018 Midvale Main Street Small Area Plan. This zoning map amendment falls in line with the proposed 5+ years implementation strategies identified in the study for potential infill development along Holden St.


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 #3 listed above – it recognizes the change in character of the area and will continue the MS-FBC west across Holden St.

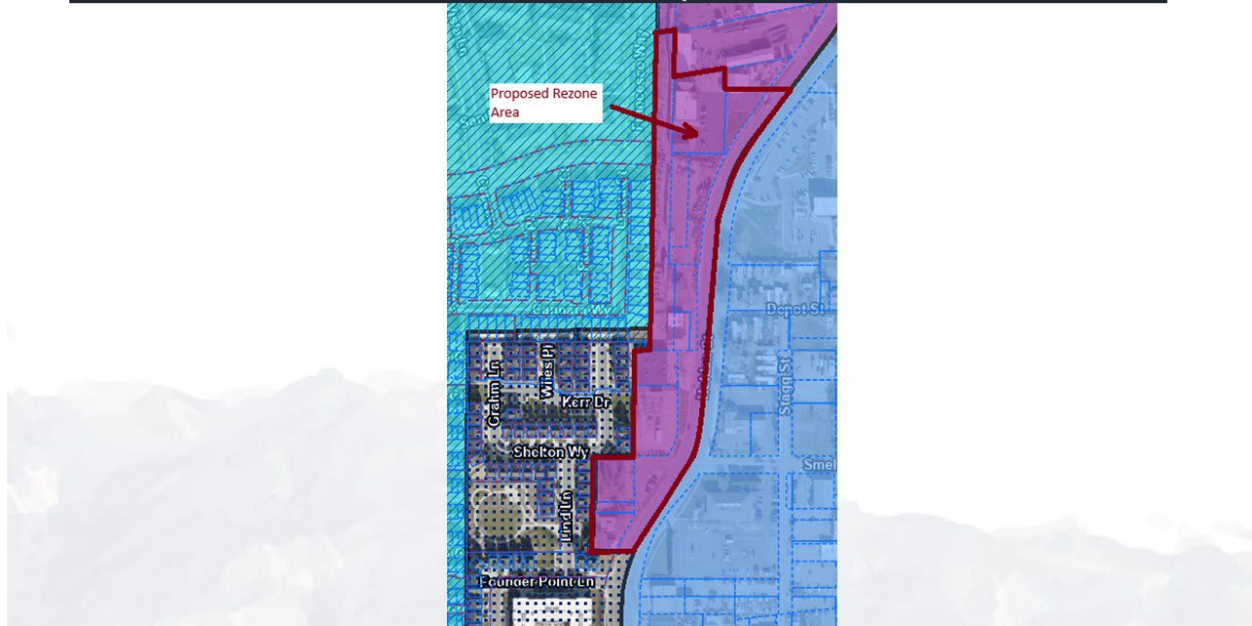
Public notice has been sent to property owners within 500 feet of the subject area. No written objections have been received as of the writing of this report, aside from the public comments received prior to the public hearing at the Planning Commission Meeting of August 14, 2024.



Rezone

Main Street Form Based Code  
7490-7676 S Holden St

## Rezone Map Area



## Zoning Map Amendment Criteria

Midvale City Code 17-3-1.E:

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;**

## Recommended Motion

“I move that we approve Ordinance 2024-O-24 rezoning the following parcels from the Clean Industrial (CI) Zone to the Main Street Form Based Code (MS-FBC) Zone: 7490 S Holden St, 7505 S Holden St, 7576 S Holden St, 7594 S Holden St, 7608 S Holden St, 7620 S Holden St, 7652 S Holden St, 7660 S Holden St, and 7676 S Holden St, with the finding noted in the staff report.



**MOTION:** Council Member Dustin Gettel **MOVED** to open the public comment portion of 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.

**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.

Council Member Dustin Gettel withdrew the motion to close the public hearing.

Robert Blackmore, owner/operator of Brick Design Co., wants to be assured that he will indeed be grandfathered in.

Mayor Stevenson said yes, Mr. Blackmore's property will be grandfathered in.

Garrett Wilcox explained if the property is sold the non-conformance will continue to run with the land for a year, after a year has passed it will be considered abandoned and the non-conformance will stop.

**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-24 Rezoning approximately 6.7 acres of properties located at 7490 S Holden St, 7505 S Holden St, 7576 S Holden St, 7594 S Holden St, 7608 S Holden St, 7620 S Holden St, 7652 S Holden St, 7660 S Holden St, 7676 S Holden St from Clean Industrial (CI) Zone to Main Street Form Based Code (MS-FBC) Zone.

**MOTION:** Council Member Bryant Brown **MOVED** to Approve Ordinance No. 2024-O-24 Rezoning the following parcels from the Clean Industrial CI zone to the main street form based code MS-FBC located at 7490 S Holden St, 7505 S Holden St, 7576 S Holden St, 7594 S Holden St, 7608 S Holden St, 7620 S Holden St, 7652 S Holden St, 7660 S Holden St, 7676 S. 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.

**D. CONSIDER A MIDVALE CITY INITIATED TEXT AMENDMENT TO AMEND SECTION 17-3-1 OF THE ADMINISTRATION AND ENFORCEMENT CHAPTER OF THE MIDVALE CITY MUNICIPAL CODE. THESE CHANGES ADD A NEW CRITERION TO THE ZONE MAP AMENDMENT CRITERIA AND ESTABLISH ZONING CODE AMENDMENT CRITERIA.**

Elizabeth Arnold said Midvale City requests an amendment to the above-listed chapter of the Midvale City Municipal Code. The proposed amendment makes the zoning map amendment criteria clearer and establishes zoning code amendment criteria.

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;

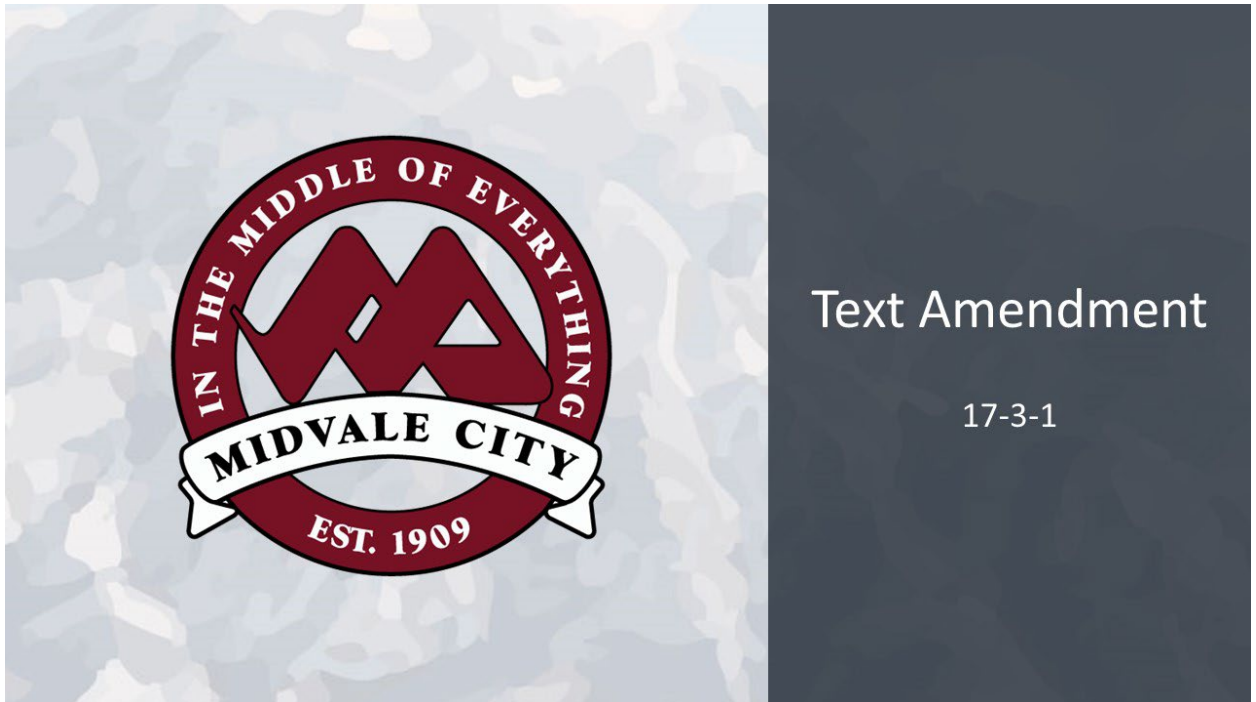
**Response: The request is not for a rezone; rather, an amendment that makes zoning map amendment criteria clearer and establishes zoning code amendment criteria.**

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.**



**Text Amendment**

This amendment:

1. Makes zoning map amendment criteria clearer.
2. Establishes zoning code amendment criteria.

## Changes

### 17-3-1 Amendments to the zoning mapcode or codemap.

E. Zoning Map Amendment 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~~ A zoning map amendment application ~~may only be approved if the reviewing body~~ it determines, in written findings, that the proposed ~~amendment~~ rezoning ~~demonstrates one or more of the following: is consistent with the policies and goals of the general plan and that the applicant has demonstrated that the:~~

1. Proposed rezoning ~~promotes objectives of is necessary either to comply with the general plan; or 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; ~~or~~
4. Proposed rezoning promotes the purposes outlined in Utah State Code 10-9a-102.

FE. Zoning Code Amendment Criteria/Required Findings. To establish and maintain a sound, stable, and desirable city, a zoning code amendment application may only be approved if the reviewing body determines, in written findings, that the proposed amendment demonstrates one or more of the following:

1. The proposed amendment promotes the objectives of the general plan and purposes of this title;
2. The proposed amendment promotes the purposes outlined in Utah State Code 10-9a-102;

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The Midvale Municipal Code is current through Ordinance 2024-08, passed April 16, 2024.

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Midvale Municipal Code Section 17-3-1, Amendments to the zoning code or map

Page 2 of 2

3. The proposed amendment more clearly explains the intent of the original language or has been amended to make interpretation more straightforward; or
4. Existing zoning code was the result of a clerical error or a mistake of fact.

## Utah State Code Purposes

### 10-9a-102 Purposes -- General land use authority.

- (1) The purposes of this chapter are to:
  - (a) provide for the health, safety, and welfare;
  - (b) promote the prosperity;
  - (c) improve the morals, peace, good order, comfort, convenience, and aesthetics of each municipality and each municipality's present and future inhabitants and businesses;
  - (d) protect the tax base;
  - (e) secure economy in governmental expenditures;
  - (f) foster the state's agricultural and other industries;
  - (g) protect both urban and nonurban development;
  - (h) protect and ensure access to sunlight for solar energy devices;
  - (i) provide fundamental fairness in land use regulation;
  - (j) facilitate orderly growth and allow growth in a variety of housing types; and
  - (k) protect property values.

## Recommended Motion

“I move that we approve Ordinance 2024-O-25 approving the text amendment to Section 17-3-1 of the Administration and Enforcement chapter of the Midvale City Municipal Code as provided in the attachments, with the finding noted in the staff report.”



**MOTION:** Council Member Paul Glover **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:** Approve Ordinance No. 2024-O-25 Approving a Text Amendment to amend Section 17-3-1 of the Administrative and Enforcement chapter of the Midvale City Municipal Code. These changes add a new criterion to the zone map amendment criteria and establish zoning code amendment criteria.

**MOTION:** Council Member Heidi Robinson **MOVED** to Approve Ordinance No. 2024-O-25 Approving the Text Amendment to Section 17-3-1 of the Administrative and Enforcement chapter of the Midvale City Municipal Code as provided in the attachments, with the finding 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.

#### **VIII. CONSENT AGENDA**

##### **A. Consider Minutes of September 3, 2024**

**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
Council Member Bryant Brown	Aye
Council Member Dustin Gettel	Aye

The motion passed unanimously.

#### **IX. DISCUSSION ITEM**

##### **A. JORDAN BLUFFS DEVELOPMENT DISCUSSION**

Adam Olsen said Gardner will present to Council their latest concept for the Jordan Bluffs View 78 area, Pods A & B, located south of Ivy Drive and east of Bingham Junction Blvd. Gardner and Wasatch Residential are working together on a concept consisting of higher density residential and townhome development. While the initial number of units is within the density allowance of the zone, staff does have concern with the placement of townhomes directly adjacent to the Public Works yard.

David Dennison, Gardner & Co., explained that they had presented before and they went back to work on the design to achieve a mix of uses. They are presenting a reworked plan that includes 4 58 plex's, a club house, and around 128 townhomes providing a good mix of use that conforms more with the intent and variety desired.



**VIEW 78 PHASES 1 & 2 // MIDVALE, UT**  
CONCEPT 01 COLOR CONCEPT











6 PLEX - EXTERIOR ELEVATION

TOWNHOME DESIGN - WASATCH  
STK ARCHITECTS

September 9, 2024



5 PLEX - EXTERIOR ELEVATION

TOWNHOME DESIGN - WASATCH  
STK ARCHITECTS

September 9, 2024





4 PLEX - EXTERIOR ELEVATION

TOWNHOME DESIGN - WASATCH  
STK ARCHITECTS

September 9, 2024



Adam Lankford, Wasatch Residential Group, said they are extending Seghini Dr. and they would like to have dedicated on street parallel parking. These units include garages and great amenities.

Council Member Bryant Brown was really hoping for some mixed use on this site but ended up with just rental units. He was hoping for something more for the community to use.

David Dennison said they are still planning on the 15-acre park and some office and retail space.

Council Member Dustin Gettel would like to see a coffee shop or cafeteria, someplace for people from the entire community to gather and mingle. He likes pickle ball but thinks there are enough pickle ball courts in the area, he'd like to see something other than pickle ball courts.

Council Member Bryant Brown agrees with Dustin Gettel, someplace that the entire community can use and gather would be nice.

Council Member Heidi Robinson likes the idea of the designated street parking.

Mayor Stevenson would like to see the on-street parking on one side of the street and a protected bike lane on the other side of the street.

Council Member Paul Glover brought up snow removal and the ordinance requiring cars to be off the street overnight during storms. Snow removal would be difficult. He likes the mix of different types of units.

**MOTION:** Council Member Dustin Gettel **MOVED** to temporarily adjourn the City Council meeting and enter the RDA meeting. The motion was **SECONDED** by Council Member Heidi Robinson . Mayor Stevenson called for discussion on the motion. There being none, The motion passed unanimously.

The Council recessed at 9:39 p.m. and reconvened at 9:57 p.m.

**X. POSSIBLE CLOSED SESSION**

The City Council may, by motion, enter into a Closed Session for:

- A. Discussion of the Character, Professional Competence or Physical or Mental Health of an Individual;
- B. Strategy sessions to discuss pending or reasonably imminent litigation;
- C. Strategy sessions to discuss the purchase, exchange, or lease of real property;
- D. Discussion regarding deployment of security personnel, devices, or systems; and
- E. Investigate proceedings regarding allegations of criminal misconduct.

**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; Adam Olsen, Community Development Director; and Cody Hill, Economic Development Manager.

**MOTION:** Council Member Dustin Gettel **MOVED** to move go into closed session to discuss the purchase, exchange, or lease of real property. 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 went into closed session at 10:01 p.m.

**MOTION:** Council Member Dustin Gettel **MOVED** to Exit Closed Session of the City Council meeting. The motion was **SECONDED** by Council Member Bryant Brown. Mayor Stevenson called for discussion on the motion. There being none, The motion passed unanimously.

**XI. ADJOURN**

**MOTION:** Council Member Bryant **MOVED** to adjourn the meeting. 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.

The meeting adjourned at 10:13 p.m.



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



Approved this October 1, 2024