



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

**Midvale Planning Commission Meeting
Notice and Agenda
January 14, 2026
6:00 p.m.**

Public notice is hereby given that the Midvale City Planning Commission will consider the items listed below during their regularly scheduled meeting on Wednesday, January 14, 2026, at 6:00 p.m. This meeting will be held in person at Midvale City Hall, 7505 S Holden Street, Midvale, Utah or electronically with an anchor location at Midvale City Hall, 7505 S Holden Street, Midvale, Utah. The meeting will be broadcast at the following link:
Midvale.Utah.gov/YouTube.

Midvale City Staff publishes a packet of information containing item specific details one week prior to the meeting at 6:00 p.m. on the [Planning Commission Agendas & Minutes](#) page. The QR code included on the right will also take you to this webpage.



Public comments for Public Hearing items may be done in person on the scheduled meeting date, submitted electronically on the Agendas & Minutes webpage, or by emailing planning@midvaleut.gov by 5:00 p.m. on January 13, 2026 to be included in the record.

I. Pledge of Allegiance

II. Roll Call

III. Minutes

- a. Review and Approval of Minutes from the December 10, 2025 Meeting.

IV. Public Hearing

*If items marked with ** are forwarded, the City Council will hear them on February 3, 2026 at 7 p.m.*

- a. **Paul Jones requests Rezone approval for 7634 S, 7636 S, 7638 S, and 7640-7642 S State Street totaling approximately 2.17 acres. It is proposed that these properties currently zoned in the Transit Oriented Development (TOD) Zone be rezoned to the State Street (SSC) Zone. Information regarding the proposed regulations, prohibitions, and permitted uses that the properties will be subject to if the rezone is adopted can be found in [Midvale Municipal Code 17-7-7](#). [Jonathan Anderson, Planner II]

- b. **Midvale City initiated request to modify Midvale Municipal Code Section 17-7-17.3 (TODO Zone) to provide design flexibility of the commercial mixed-use requirement.
[Wendelin Knobloch, Planning Director]

V. Staff Update/Other Business

- a. Planning Department Report.

VI. Adjourn

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

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

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



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**Midvale City
PLANNING AND ZONING COMMISSION**

Minutes

**10th Day of December 2025
Council Chambers
7505 South Holden Street
Midvale, Utah 84047**

COMMISSION CHAIR: Robyn Anderson

COMMISSION VICE CHAIR: Candice Erickson

COMMISSION MEMBERS:
Shane Liedtke

STAFF:
Adam Olsen, Community Development Director
Katie Thorne, Community Development Exec. Assistant
Daniel Van Beuge, Deputy City Attorney
Wendelin Knobloch, Planning Director
Jonathan Anderson, Planner II
Matthew Pierce, IT Director

REGULAR MEETING

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

ROLL CALL

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

MINUTES

1. REVIEW AND APPROVE MINUTES OF November 12, 2025.

MOTION: Commissioner Liedtke MOVED to approve the minutes of November 12, 2025. SECONDED by Commissioner Snow. Chair Anderson called for a voice vote.

The motion passed unanimously with all voting in favor.

PUBLIC HEARINGS

1. Daniel Herzog requests Preliminary Subdivision approval for a 10-unit residential condominium subdivision located at 8503 S Iris Lumi Lane amending Lot 205 of Jordan Heights at View 78 Phase 2 Subdivision in the Jordan Bluffs Subareas 1-3 Development (JB 1- 3, Pod C) zone.

The proposed Preliminary Subdivision is an amendment to Lot 205 of the Jordan Heights at View 78 Phase 2 Condominiums project by Holmes Homes for a 10-unit residential condominium building. This project previously received Site Plan Approval in August of 2022. Those documents were included in the October 22, 2025, Planning Commission packet for the Jordan Heights at View 78 Phase 2 Preliminary Subdivision.

This proposal has been reviewed by all members of the Development Review Committee (Planning, Engineering, Public Works, Legal, Unified Fire Authority, and the Building Official) for compliance with the respective departmental review requirements. Staff finds the proposal complies with the preliminary subdivision requirements in Midvale Municipal Code 16.02, and the lot standards of the JB 1-3 zone in Midvale Municipal Code 17-7-10.12.10.

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

STAFF RECOMMENDATION:

Based on compliance with the requirements of Chapter 16.02 and 17-7-10.12.10 of the Midvale Municipal Code demonstrated in the application, Staff recommends the Planning Commission approve the preliminary subdivision with the following findings and condition:

Findings:

1. The application is a preliminary subdivision for a 10-unit residential condominium subdivision located at 8503 S Iris Lumi Lane amending Lot 205 of the Jordan Heights at View 78 Phase 2 Subdivision.
2. The project complies with the preliminary subdivision procedure outlined in Midvale Municipal Code 16.02 and the lot standards of 17-7-10.12.10.
3. The Development Review Committee has reviewed the project and forwarded the item on for the Planning Commission to render a decision.

Condition:

1. The recordation of the Jordan Heights at View 78 Phase 2 Subdivision with the Salt Lake County Recorder's Office.

APPLICANT:

No Comment.

PUBLIC HEARING:

No Comment.

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

DISCUSSION:

Daniel Van Buege, Deputy City Attorney, informed the Commissioners that this is an administrative decision that the Planning Commission is to make if they do meet all the code requirements as they're outlaid in the city. If the proposed project does meet all code requirements, the Planning Commission is required to approve the proposed project plans. The only grounds for denial of this project would be if the code requirements are not met.

MOTION: Commissioner Liedtke MOVED that we approve the Preliminary Subdivision for a 10-unit residential condominium subdivision amending Lot 205 of the Jordan Heights at View 78 Phase 2 Subdivision with the findings and condition noted in the staff report. The motion was SECONDED by Vice Chair Erickson. Chair Anderson called for a roll call vote. The vote was as follows:

Chair Anderson	Yes
Vice Chair Erickson	Yes
Commissioner Liedtke	Yes

The motion passes unanimously.

PUBLIC HEARINGS

2. Daniel Herzog requests Preliminary Subdivision approval for a 10-unit residential condominium subdivision located at 717 W Coho Lane amending Lot 206 of Jordan Heights at View 78 Phase 2 Subdivision in the Jordan Bluffs Subareas 1-3 Development (JB 1- 3, Pod C) zone.

The proposed Preliminary Subdivision is an amendment to Lot 206 of the Jordan Heights at View 78 Phase 2 Condominiums project by Holmes Homes for a 10-unit residential condominium building. This project previously received Site Plan Approval in August of 2022. Those documents were included in the October 22, 2025, Planning Commission packet for the Jordan Heights at View 78 Phase 2 Preliminary Subdivision.

This proposal has been reviewed by all members of the Development Review Committee (Planning, Engineering, Public Works, Legal, Unified Fire Authority, and the Building Official) for compliance with the respective departmental review requirements. Staff finds the proposal complies with the preliminary subdivision requirements in Midvale Municipal Code 16.02, and the lot standards of the JB 1-3 zone in Midvale Municipal Code 17-7-10.12.10.

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

STAFF RECOMMENDATION:

Based on compliance with the requirements of Chapter 16.02 and 17-7-10.12.10 of the Midvale Municipal Code demonstrated in the application, Staff recommends the Planning Commission approve the preliminary subdivision with the following findings and condition:

Findings:

1. The application is a preliminary subdivision for a 10-unit residential condominium subdivision located at 717 W Coho Lane amending Lot 206 of the Jordan Heights at View 78 Phase 2 Subdivision.
2. The project complies with the preliminary subdivision procedure outlined in Midvale Municipal Code 16.02 and the lot standards of 17-7-10.12.10.
3. The Development Review Committee has reviewed the project and forwarded the item on for the Planning Commission to render a decision.

Condition:

1. The recordation of the Jordan Heights at View 78 Phase 2 Subdivision with the Salt Lake County Recorder's Office.

APPLICANT:

No comment.

PUBLIC HEARING:

No comment.

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

DISCUSSION:

No Comment.

MOTION: Vice Chair Erickson **MOVED** that we approve the Preliminary Subdivision for a 10-unit residential condominium subdivision amending Lot 206 of the Jordan Heights at View 78 Phase 2 Subdivision with the findings and condition noted in the staff report. The motion was **SECONDED** by Commissioner Liedtke. Chair Anderson called for a roll call vote. The vote was as follows:

Chair Anderson	Yes
Vice Chair Erickson	Yes
Commissioner Liedtke	Yes

The motion passes unanimously.

PUBLIC HEARINGS

3. Daniel Herzog requests Preliminary Subdivision approval for a 10-unit residential condominium subdivision located at 8498 S Magic Opal Lane amending Lot 212 of Jordan Heights at View 78 Phase 2 Subdivision in the Jordan Bluffs Subareas 1-3 Development (JB 1-3, Pod C) zone.

The proposed Preliminary Subdivision is an amendment to Lot 212 of the Jordan Heights at View 78 Phase 2 Condominiums project by Holmes Homes for a 10-unit residential condominium building. This project previously received Site Plan Approval in August of 2022. Those documents were included in the October 22, 2025, Planning Commission packet for the Jordan Heights at View 78 Phase 2 Preliminary Subdivision.

This proposal has been reviewed by all members of the Development Review Committee (Planning, Engineering, Public Works, Legal, Unified Fire Authority, and the Building Official) for compliance with the respective departmental review requirements. Staff finds the proposal

complies with the preliminary subdivision requirements in Midvale Municipal Code 16.02, and the lot standards of the JB 1-3 zone in Midvale Municipal Code 17-7-10.12.10.

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

STAFF RECOMMENDATION:

Based on compliance with the requirements of Chapter 16.02 and 17-7-10.12.10 of the Midvale Municipal Code demonstrated in the application, Staff recommends the Planning Commission approve the preliminary subdivision with the following findings and condition:

Findings:

1. The application is a preliminary subdivision for a 10-unit residential condominium subdivision located at 8498 S Magic Opal Lane amending Lot 212 of the Jordan Heights at View 78 Phase 2 Subdivision.
2. The project complies with the preliminary subdivision procedure outlined in Midvale Municipal Code 16.02 and the lot standards of 17-7-10.12.10.
3. The Development Review Committee has reviewed the project and forwarded the item on for the Planning Commission to render a decision.

Condition:

1. The recordation of the Jordan Heights at View 78 Phase 2 Subdivision with the Salt Lake County Recorder's Office.

APPLICANT:

No comment.

PUBLIC HEARING:

No comment.

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

DISCUSSION:

No Comment.

MOTION: Vice Chair Erickson **MOVED** that we approve the Preliminary Subdivision for a 10-unit residential condominium subdivision amending Lot 212 of the Jordan Heights at View 78 Phase 2 Subdivision with the findings and condition noted in the staff report. The motion was **SECONDED** by Commissioner Liedtke. Chair Anderson called for a roll call vote. The vote was as follows:

Chair Anderson	Yes
Vice Chair Erickson	Yes
Commissioner Liedtke	Yes

The motion passes unanimously.

PUBLIC HEARINGS

4. Daniel Herzog requests Preliminary Subdivision approval for a 10-unit residential condominium subdivision located at 748 W Pink Frost Lane amending Lot 216 of Jordan Heights at View 78 Phase 2 Subdivision in the Jordan Bluffs Subareas 1-3 Development (JB 1- 3, Pod C) zone.

The proposed Preliminary Subdivision is an amendment to Lot 216 of the Jordan Heights at View 78 Phase 2 Condominiums project by Holmes Homes for a 10-unit residential condominium building. This project previously received Site Plan Approval in August of 2022. Those documents were included in the October 22, 2025, Planning Commission packet for the Jordan Heights at View 78 Phase 2 Preliminary Subdivision.

This proposal has been reviewed by all members of the Development Review Committee (Planning, Engineering, Public Works, Legal, Unified Fire Authority, and the Building Official) for compliance with the respective departmental review requirements. Staff finds the proposal complies with the preliminary subdivision requirements in Midvale Municipal Code 16.02, and the lot standards of the JB 1-3 zone in Midvale Municipal Code 17-7-10.12.10.

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

STAFF RECOMMENDATION:

Based on compliance with the requirements of Chapter 16.02 and 17-7-10.12.10 of the Midvale Municipal Code demonstrated in the application, Staff recommends the Planning Commission approve the preliminary subdivision with the following findings and condition:

Findings:

1. The application is a preliminary subdivision for a 10-unit residential condominium subdivision located at 748 W Pink Frost Lane amending Lot 216 of the Jordan Heights at View 78 Phase 2 Subdivision.
2. The project complies with the preliminary subdivision procedure outlined in Midvale Municipal Code 16.02 and the lot standards of 17-7-10.12.10.
3. The Development Review Committee has reviewed the project and forwarded the item on for the Planning Commission to render a decision.

Condition:

1. The recordation of the Jordan Heights at View 78 Phase 2 Subdivision with the Salt Lake County Recorder's Office.

APPLICANT:

No comment.

PUBLIC HEARING:

No comment.

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

DISCUSSION:

No Comment.

MOTION: Commissioner Liedtke **MOVED** that we approve the Preliminary Subdivision for a 10-unit residential condominium subdivision amending Lot 216 of the Jordan Heights at View 78 Phase 2 Subdivision with the findings and condition noted in the staff report. The motion was **SECONDED** by Vice Chair Erickson. Chair Anderson called for a roll call vote. The vote was as follows:

Chair Anderson	Yes
Vice Chair Erickson	Yes
Commissioner Liedtke	Yes

The motion passes unanimously.

PUBLIC HEARINGS

5. Midvale City initiated request to modify Midvale Municipal Code Section 17-7-11.11 (MS-FBC Zone Administration) to allow for rebuilding of nonconforming structures.

This code text amendment modifies language within the nonconforming structures section of the Form-Based Code. Rebuilding of a structure is now possible if the use conforms to the zoning provisions, any expansions in the building footprint is limited to up to 20%, and the expanded or rebuilt nonconforming structure either matches the aesthetics of the original nonconforming structure or is in conformance with its building type requirements in the Main Street Form-Based Code.

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

ZONING CODE AMENDMENT CRITERIA

Midvale City Code 17-3-1(F) outlines the criteria necessary for amendments to the zoning code. A proposal may only be approved if it 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;
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.

Staff finds that this proposal meets the first, second, and third criteria listed above because the change promotes the following: (Criterion 1) the general plan objective of preserving and building on the character of Historic Main Street; (Criterion 2) the Municipal Land Use, Development, and Management Act (LUDMA) objectives of promoting prosperity and protecting the tax base (Criterion 2); and (3) the clear interpretation of code language (Criterion 3).

STAFF RECOMMENDATION:

Staff advises the Planning Commission recommend approval of the code text amendment with the following finding:

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

APPLICANT:

Wendelin Knobloch, Planning Director, handed the commissioners an updated draft of the ordinance language changes different than what was included in the packet. **See Attachment A.**

PUBLIC HEARING:

No comment.

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

DISCUSSION:

Vice Chair Erickson requested clarification on how the structural extent of a building is determined while still meeting the definition of a “rebuild.”

Wendelin Knobloch, Planning Director, explained that if the criteria outlined in the proposed text amendment are met, the project is considered to meet the definition of a rebuild. He added that no analysis regarding the magnitude of structural change is required.

Chair Anderson asked whether a clearer definition of what constitutes a rebuild should be included in the proposed text amendment.

Commissioner Liedtke commented that the proposed text amendment provides developers with greater flexibility for future development within their projects, while also clarifying what would be considered nonconforming and ensuring compliance with City regulations and requirements.

MOTION: Commissioner Liedtke **MOVED** that we recommend approval of the Midvale City initiated request to modify Midvale Municipal Code Section 17-7-11.11 (MS-FBC Zone Administration) to allow for rebuilding of nonconforming structures with the finding noted in the staff report. The motion was **SECONDED** by Vice Chair Erickson. Chair Anderson called for a roll call vote. The vote was as follows:

Chair Anderson	Yes
Vice Chair Erickson	Yes
Commissioner Liedtke	Yes

The motion passes unanimously.

PUBLIC HEARINGS

- Midvale City requests Preliminary Subdivision approval for a 2-lot subdivision located at 362 W Center St in the Single Family Residential (SF-2) zone.

The proposed subdivision consists of two lots. Lot 1, with a shared parking area, will remain in City Park use. Lot 2 will be obtained by Salt Lake County for a new Midvale Library. In addition, Chapel Street is formally dedicated with a width of 50'. The subdivision complies with the preliminary subdivision requirements in Midvale Municipal Code 16.02, and the lot standards of the SF-2 zone in Midvale Municipal Code 17-7-2.3.

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

STAFF RECOMMENDATION:

Based on compliance with the requirements of Chapter 16.02 and 17-7-2.3 of the Midvale Municipal Code, Staff recommends the Planning Commission approve the preliminary subdivision with the following findings:

Findings:

1. The application is for a preliminary subdivision for a 2-lot subdivision located at 362 W Center St.
2. The project complies with the preliminary subdivision procedure outlined in Midvale Municipal Code 16.02 and the lot standards of 17-7-2.3.

APPLICANT:

Adam Olsen, Community Development Director, handed a copy of the most up to date Preliminary Subdivision Plat for the Commissioners to review. The legal description had a few updates due to errors found by the Salt Lake County Surveyor's Office. **See Attachment B.**

PUBLIC HEARING:

Jody Jensen requested clarification on the intended size of the proposed building and its location relative to the existing tennis courts.

Adam Olsen, Community Development Director, explained that no conceptual plans reflecting the total size of the building are currently available. He noted that the discussion at this stage pertains only to the subdivision of the lots and the building's general location in relation to the existing tennis courts.

Vice Chair Erickson and Commissioner Liedtke asked for additional clarification regarding the total lot size and frontage requirements.

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

DISCUSSION:

No Comment.

MOTION: Commissioner Liedtke **MOVED** that we approve the Preliminary Subdivision located at 362 W Center St. with the findings included in the staff report. The motion was **SECONDED** by Vice Chair Erickson. Chair Anderson called for a roll call vote. The vote was as follows:

Chair Anderson	Yes
Vice Chair Erickson	Yes
Commissioner Liedtke	Yes

The motion passes unanimously.

PUBLIC HEARINGS

7. Recommendation on the Fashion Place West Station Area Plan.

In 2022 the Utah State Legislature passed HB 462 which, among other things, requires municipalities with fixed rail guideways (commuter and light rail) to prepare and adopt station area plans (SAP) covering a half-mile radius of each fixed rail station. SAP's may be unique to their jurisdiction and setting; however, key aspects are to include strategies to increase the availability of affordable housing, promotion of sustainable environmental conditions, enhancements of access to employment opportunities and increase of transportation choices and connections.

Midvale has three stations within its boundaries: Midvale Ft. Union, Midvale Center and Bingham Junction. Station Area Plans have been adopted for all three stations listed above. A portion of the half-mile radius for the Fashion Place West Station, located in Murray, lies in the northernmost portion of Midvale, largely along Cottonwood Street directly adjacent to Murray. Midvale partnered with Murray to complete this station area plan; a grant through the Wasatch Front Regional Council (WFRC) funding the plan. While the station area plan largely focuses on Murray, the area of Midvale directly adjacent to Murray was of particular interest for both Cities; partnership and joint vision for the area being key. The plan notes this and proposes “jobs and housing mixed use” as future development in both Cities with HTRZ (Housing and Transit Reinvestment Zone) proposed as a possible tool for implementation. Midvale is currently exploring creation of an HTRZ for the area between 7200 S and Murray.

STAFF RECOMMENDATION:

Planning Commission to forward a recommendation of approval to the City Council.

APPLICANT:

No comment.

PUBLIC HEARING:

No comment.

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

DISCUSSION:

No Comment.

MOTION: Commissioner Liedtke **MOVED** that we recommend approval of the Fashion Place West Station Area Plan. The motion was **SECONDED** by Vice Chair Erickson. Chair Anderson called for a roll call vote. The vote was as follows:

Chair Anderson	Yes
Vice Chair Erickson	Yes
Commissioner Liedtke	Yes

The motion passes unanimously.

STAFF UPDATE/OTHER BUSINESS

1. Revised 2026 Planning Commission Meeting Calendar.
 - a. November Meeting for 2026 Will be changed from 11/11/2026 to 11/18/2026.
2. Planning Department Report
 - a. Trainings Options From Property Rights Ombudsman's Office
 - i. Alternative Forms Of Dispute Resolution
 - ii. Avoiding Land Use Related Lawsuits & Best Practices for County and Municipal Governments.
 - iii. Recent Legislative Changes.
 - iv. Land Use Laws And Practice
 - v. Imminent Domain Laws And Practice.
 - vi. Taking Laws And Practices.
 - vii. Exactions.
 - viii. Conditional Uses And Variances.
 - ix. Appeals Procedures For Land Use Decisions.
 - b. Survey was provided via email to the Planning Commissioners from the Property Rights Ombudsman's Office.

ADJOURN

Vice Chair Erickson made the motion to adjourn 6:35 p.m. No one opposed. The meeting adjourned at 6:35 p.m.

Katie Thorne, CD Executive Assistant

Approved this ____ day of _____ 2026.

Attachment A:

DRAFT

17-7-11.11 Administration.

A. General Requirements.

1. *Intent.* This chapter intends to promote public health, safety, and general welfare of the community, reflecting the goals established within the general plan of Midvale City and the Main Street small area plan. This chapter intends to increase conformity to the greatest extent possible.

B. Scope of Regulations.

1. *New Development.* All development, construction, and establishment of uses within the limits of this chapter occurring after the effective date of this chapter shall be subject to all applicable regulations of this chapter.

2. *Renovated Structures.* All building renovations affecting a change of use greater than twenty-five percent gross square footage of a structure within the limits of this chapter shall be subject to all applicable regulations of this chapter.

3. *In-Process Development.* Where a building permit for a development has been applied for in accordance with the prior law in advance of the effective date of this chapter, said development may comply with the plans from which the permit was approved and, upon completion, receive a certificate of occupancy (provided all conditions are met) provided the following requirements are satisfied:

a. Work or construction is begun within one year of the effective date of this chapter; and

b. Work or construction continues diligently toward completion.

4. *Nonconformance.* After the effective date of this chapter, existing buildings and uses that do not comply with the regulations of this chapter shall be considered nonconforming and are subject to the standards of this chapter.

a. *General Provisions.*

i. *Permissions.*

(A) Any nonconforming lot, use, structure, or sign that was lawfully established before the FBC was implemented may continue as long as the nonconformity remains legal and complies with all other FBC nonconformity requirements.

ii. *Administration.*

(A) Any rights conferred on a nonconformity remain with the property and are not affected by changes in tenancy or ownership.

(B) The burden of establishing the existence of a conformity prior to the FBC implementation is on the applicant.

(C) Determinations about the existence of a legal nonconformity shall be made by the community development director.

iii. *Limitations.*

(A) Any lot, use, structure, or sign that was illegal prior to implementation of the form-based code remains illegal if it does not conform to the form-based code.

(B) Nonconformity regulations apply to all projects that were submitted for approval before implementation of the form-based code. All projects submitted after implementation of the form-based code shall meet the requirements of the form-based code.

(C) If any portion of the form-based code is judged invalid by a jurisdictional court, that judgement shall not affect the remaining portions of the form-based code.

iv. *Uses.*

(A) *Permissions.*

(1) An existing nonconforming use may be extended to the entire floor area of the building it is located in.

(2) Structures containing nonconforming uses may be altered according to the requirements of the form-based code.

(3) If a structure containing a nonconforming use is damaged or destroyed, the nonconforming use may be reestablished at the same scale as it operated prior to the destructive event.

(B) *Limitations.*

(1) Nonconforming uses may be expanded to additional parcels provided, however, the building into which the use expands otherwise fully complies with the form-based code.

(2) An existing nonconforming use may not be changed to a different nonconforming use.

(3) If a nonconforming use is abandoned, any future use shall be a conforming use. When a nonconforming use transitions to a conforming use, it shall not be changed back to any nonconforming use.

v. *Structures.*

(A) *Permissions.*

(1) Nonconforming structures may be altered if:

~~(a) the alteration is required by law to restore the structure to a safe condition;~~

~~(b) the alteration eliminates a nonconformity and does not expand a nonconformity or create a new nonconformity; or~~

~~(c) the alternation is necessary for routine repair or maintenance.~~

(2) Nonconforming structures may be ~~altered expanded or rebuilt if the~~ the following conditions are met ~~alteration:~~

~~(a) Is routine repair or maintenance~~ the use of the nonconforming structure is allowed under Section 17-7-11.3;

~~(b) Eliminates a nonconformity~~ the building footprint of the rebuilt or expanded nonconforming structure does not exceed 20% of the

~~nonconforming structure's building footprint in existence when this Chapter originally took effect; and~~

~~(c) -the expanded or rebuilt nonconforming structure either matches the aesthetics of the original nonconforming structure or is in conformance with the requirements of Section 17-7-11.6 Does not expand an existing nonconformity; or~~

~~(d) Does not create a new nonconformity.~~

~~(3) Nonconforming structures and parking lots may be expanded if the expansion is conforming or increases the overall conformity of the property.~~

(43) In the event of damage or destruction to a nonconforming structure which is damaged or destroyed by fire, earthquake, or other calamity beyond the control of the owner, the building may be reconstructed or repaired to the conditions which existed prior to the casualty, provided the structure or structures existed as legally established structures. All such construction or repairs shall be started within twelve months from the date of damage and shall be diligently pursued to completion.

(54) Existing nonconforming structure facades may be altered if the modifications do not increase the amount of nonconformity.

(B) *Limitations.*

(1) If a nonconforming structure is damaged or destroyed, all permits for rebuilding, restoration, or repair must be granted within one year of the damage or destruction. If the applicant requests an extension, the community development director may grant no more than one extension, not to exceed one year in length.

(2) If a nonconforming structure is relocated, the structure shall fully comply with the current zoning regulations of the parcel to which it is moved.

(3) If all required permits for the rebuilding, restoration, or repair of a damaged or destroyed nonconforming structure are not granted within one year of the damage or destruction, and no extension period is granted, the structure may be rebuilt, restored, or repaired only if it conforms to the requirements of the form-based code.

5. *Exempt Activities.* The activities within this section are exempt from the requirements of this chapter. Building permits may still be required under the building code for actions taken in accordance with this section.

- a. Ordinary repairs for the purpose of regular building, signage, lighting or site maintenance.
- b. Replacement of existing windows, doors, or fixtures that do not change the transparency percentage of the building.
- c. Interior construction that does not result in change of use and is not visible from the exterior of the building.
- d. Emergency repairs ordered by any city official in order to protect health and safety.

6. *Appeals.*

- a. All city decisions which interpret or administer this chapter may be appealed to the planning commission within ten days of final action by filing notice of appeal with the community and economic development department.
- b. Following final action by the planning commission, any person with standing to challenge the decision may, within ten days of the final action, appeal the decision to the appeal authority following the process defined in Section [17-3-14](#).

7. Any state or federal regulations that apply within the form-based code area, and are in conflict with form-based code regulations, shall supersede the form-based code regulations.

C. *Minor Modifications to a Site Plan.* The community development director may approve minor modifications to an approved site plan. Modifications may be evaluated through a letter of application and the provision of the reasoning behind the request. Such requests may be made for:

1. Minor modifications to proposed landscaping plans, pursuant to the modification standards established.
2. Minor modifications to buildings, including setbacks and materials, pursuant to the modification standards.
 - a. Building materials that reflect the intent of the original material.
 - b. The city may modify the requirements of this chapter where full compliance is impossible due to the existing site or building conditions.
3. Minor modifications to parking requirements, pursuant to the development of an alternative parking plan. (Ord. 2020-04 § 1 (Att. A))

The Midvale Municipal Code is current through Ordinance 2025-15, passed September 2, 2025.

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

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

[Hosted by General Code.](#)

Attachment B:

DRAFT



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

MIDVALE CITY PLANNING COMMISSION STAFF REPORT 1/14/2026

SUBJECT

Paul Jones requests Rezone approval for 7634 S, 7636 S, 7638 S, and 7640-7642 S State Street totaling approximately 2.17 acres. It is proposed that these properties currently zoned in the Transit Oriented Development (TOD) Zone be rezoned to the State Street (SSC) Zone. Information regarding the proposed regulations, prohibitions, and permitted uses that the properties will be subject to if the rezone is adopted can be found in Midvale Municipal Code 17-7-7.

SUBMITTED BY

Jonathan Anderson, Planner II

BACKGROUND AND ANALYSIS

Paul Jones, counsel for Excel Motor Co. LLC is requesting the rezone from the TOD zone to the SSC zone for the 4 properties identified above to operate a vehicle sales business on the property of 7636 S State St. Currently, vehicle related uses are not permitted in the TOD zone and are allowed uses in the SSC zone. The applicant, Excel Motor Co. LLC, has previously applied for a business license to operate a vehicle sales business that was denied on August 25, 2025. The license application denial and zoning interpretation were appealed and later denied by Midvale's Appeal Authority on October 13, 2025 as the TOD zone does not permit vehicle related uses.

Midvale Municipal Code 17-3-1(E) outlines the criteria necessary for granting a rezone as follows: Staff response will be in **bold**.

E. Zoning Map Amendment Criteria. The city's zoning is the result of a detailed and comprehensive appraisal of the city's present and future land use allocation needs. A zoning map amendment application may only be approved if the reviewing body determines, in written findings, that the proposed amendment promotes the purposes outlined in Utah Code Annotated [10-9a-102](#) and demonstrates one or more of the following:

- 1. Proposed rezoning promotes objectives 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, floodplain, unstable soils, and inadequate drainage; or*
- 3. Land or its surrounding environs have changed or are 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 believes the proposed zoning map amendment request satisfies Utah Code Annotated 10-9a-102 (renumbered 10-20-101 effective 11-6-2025) and criteria #1 listed above.

The properties are in the area identified in the 2016 General Plan as Middle State Street which consists of a portion of the State Street corridor and the Center Street TRAX station area. The goals of this area are to promote nodes of higher intensity uses at the Center Street TRAX station, and 7500 S. These properties fall in the middle of those node areas, where commercial properties are underutilized.

The purpose of the State Street (SSC) Zone is to foster complementary development and create new opportunities for a variety of uses. The Transit Oriented Development (TOD) Zone's purpose is to provide a transitional area between suburban developments and the Transit Oriented Development Overlay (TODO) Zone, which is intended for the TRAX station areas. With the distance between the Center Street TRAX station and these properties and the adjacency of the SSC Zone, rezoning the properties is justifiable.

The SSC Zone allows a larger variety of commercial uses than the TOD Zone and in this area of the Middle State Street Opportunity Area it would "promote the prosperity" and "protect the tax base" (UCA 10-20-101) by permitting more commercial business use types to be allowed at these properties with the proposed zoning map amendment while preserving the transitional areas needed to promote effective transit-oriented and mixed-use developments.

Public notice has been sent to property owners within 500 feet of the subject area, posted on the City Website, the Utah Public Notice website, advertised at City Hall, and a notice was placed on the property. No written public comments have been received as of the writing of this report.

STAFF RECOMMENDATION

Staff recommends the Planning Commission forward the zoning map amendment request to the City Council with a recommendation of approval with the following findings:

1. The zoning map amendment request complies with the requirements of MMC 17-3-1(E) and 17-3-1(E)(1).

RECOMMENDED MOTION

I move that we recommend approval of the zoning map amendment to rezone 7634 S, 7636 S, 7638 S, and 7640-7642 S State Street of approximately 2.17 acres from the Transit-Oriented Development (TOD) Zone to the State Street (SSC) Zone with the findings included in the staff report.

ATTACHMENTS

1. Amended Rezone Application



4766 Holladay Blvd
po box 17406
Holladay, UT 84117
main 801.930.5101
cell: 801.859.1478
fax 801.606.7714

January 6, 2026

PAUL W. JONES
Direct (801) 998-8471
pwjones@halewoodlaw.com

Via Email

Adam Olsen, Director
Community & Economic
Development
7505 S Holden Street
Midvale, Utah 84047
Email: aolsen@midvaleut.gov

Re: AMENDED Application for Zoning Map Amendment to rezone Salt Lake County Parcel Nos. 21-25-479-036-0000; 21-25-479-038-0000; 21-25-479-037-0000; and 21-25-479-039-0000 from TRANSIT-ORIENTED DEVELOPMENT ZONE (TOD) to STATE STREET ZONE (SSC) (collectively, the “Property”)

Dear Mr. Olsen:

This firm represents Excel Motor Co. LLC (“Applicant”) in connection with its previously-filed zoning map amendment application (the “Original Application”) seeking to rezone Salt Lake County Parcel Nos. 21-25-479-036-0000 and 21-25-479-038-0000 from TOD to SSC.

On December 18, 2025, Planning staff (Jonathan Anderson, Planner II) advised in writing that staff would recommend denial of the Original Application due to the absence of direct State Street frontage for the two-parcel rezone area, and further advised that if the two State Street frontage parcels to the east (APNs 21-25-479-037-0000 and 21-25-479-039-0000) were included, staff would at minimum hold a neutral position because the rezone area would encompass the full block to State Street frontage (the “Staff Email”).

Accordingly, and consistent with staff’s suggestion that it may be clearer to “redo/amend the application, so everything is in one packet together” (December 23, 2025 email), we hereby submit this Amended Zoning Map Amendment Application Packet (the “Amended Application”), which:

- Adds Salt Lake County Parcel Nos. 21-25-479-037-0000 and 21-25-479-039-0000 to the requested map amendment; and

AMENDED Application for Zoning Map Amendment
Page 2

- Supersedes and replaces the Original Application materials to the extent inconsistent.

Use / Operational Context.

1. Applicant's operations. The Applicant seeks the rezone primarily to allow an automobile sales dealership use as a permitted use within SSC and not a permitted use within TOD.
2. Frontage-parcel operations. Based on the Owner's Affidavit executed December 23, 2025 by Gary Chun & Tami Chun as trustees for the Willy Chun & Tami Chun Family Living Trust 12/08/1990 (the "Chun Owner Authorization"), the newly-added State Street frontage parcels (APNs 21-25-479-037-0000 and 21-25-479-039-0000) are included in this Amended Application.
3. Clarification needed on current uses. We understand from counsel's current instructions that certain parcels are used to operate a Chinese restaurant and to provide shared/leased parking in support of adjacent commercial activity. Because the file description provided contains an internal inconsistency regarding which APNs host the restaurant/parking, this Amended Application is drafted with a conservative factual statement:

The State Street frontage component of the Property (APNs 21-25-479-037-0000 and 21-25-479-039-0000) includes an existing Chinese restaurant use ("Chinese Restaurant") and associated parking areas that have historically served the frontage commercial use and, by agreement, may also serve adjacent parcels within the block for customer/employee parking ("Shared Parking").

If the City's records reflect a different parcel-by-parcel allocation of these uses, the Applicant and Owners will conform the narrative and exhibits accordingly.

Procedural Request.

Given that this Amended Application expands the rezone boundaries and necessarily expands required noticing, we respectfully request:

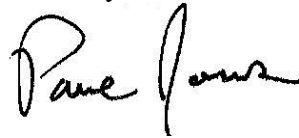
- A completeness review of this Amended Application as the operative application; and

AMENDED Application for Zoning Map Amendment
Page 3

- Rescheduling/continuance of any pending public hearing dates as required to ensure full compliance with the City's noticing requirements for zoning map amendments (including mailed notice and on-site posting).

We appreciate the City's assistance in docketing the Amended Application for Planning Commission hearing at the earliest available date following completeness acceptance and completion of required noticing.

Sincerely,



Paul W. Jones

Amended Application Checklist—Zoning Map Amendment (MMC 17-3-1(A))

Applicant:

- Excel Motor Co. LLC
- Contact/Agent: Paul W. Jones, Esq., Hale & Wood, PLLC
- Address: 4766 S. Holladay Blvd, P.O. Box 17406, Holladay, UT 84117
- Phone: 801-930-5101 (main) / 801-859-1478 (cell)
- Email: pwjones@halewoodlaw.com

Owners of Record (All Parcels):

A. Parcels 21-25-479-036-0000 and 21-25-479-038-0000:

- HAROJO1 LLC
- HAROJO2 LLC
- HAROJO3 LLC
- HAROJO4 LLC
Manager: Harojo Properties LLC
Authorized Signer: Bradley Tatom

B. Parcels 21-25-479-037-0000 and 21-25-479-039-0000:

- Willy Chun & Tami Chun Family Living Trust 12/08/1990
Trustees: Gary Chun and Tami Chun (per Owner's Affidavit)

Agent Authorization:

- Executed Owner's Agent Authorization(s) for HAROJO entities designating Excel Motor Co. LLC / Paul W. Jones as agent.
- Executed Owner's Affidavit / Agent Authorization for the Chun Trust dated December 23, 2025.

Subject Parcels (Amended):

- 21-25-479-036-0000
- 21-25-479-038-0000
- 21-25-479-037-0000
- 21-25-479-039-0000

Property Address(es):

- 7638 through 7642 South State Street, Midvale, UT 84047
- Additional frontage parcel address(es): 7638 through 7642 South State Street, Midvale, UT 84047

Existing Zoning:

- Transit-Oriented Development Zone (TOD)

Proposed Zoning:

- State Street Zone (SSC)

Legal Descriptions:

- Exhibit A-1 (APN 21-25-479-036-0000)

BEG N 0°35'25" E 583.06 FT & W 312.88 FT & N 17°56'22" E 527.85 FT & W 147.20 FT & N 0°50'35" E 85.61 FT M OR L FR SE COR SEC 25, T2S, R1W, SLM; N 0°50'35" E 128.61 FT; E 145.60 FT; S 0°24'49" W 126.80 FT; S 89°21'30" W 146.59 FT M OR L TO BEG.

- Exhibit A-2 (APN 21-25-479-038-0000)

BEG N 0°35'25" E 583.06 FT & W 312.88 FT & N 17°56'22" E 527.85 FT M OR L FR SE COR SEC 25, T2S, R1W, SLM; W 147.20 FT; N 0°50'35" E 85.61 FT; N 89°21'30" E 146.59 FT; S 0°24'49" W 87.41 FT M OR L TO BEG.

- Exhibit A-3 (APN 21-25-479-037-0000)

BEG ON W LINE OF STATE STREET N 1085.28 FT & E 126.57 FT & N 0°43' E 85 FT FR SE COR SEC 25, T2S, R1W, SLM; N 89°17' W 210.02 FT; S 89°21'30" W 209.58 FT TO FENCE LINE; N 1°49' E ALG SD FENCE LINE 129 FT; E 417 FT TO W LINE OF STATE STREET; S 0°43' W 129.07 FT TO BEG. LESS & EXCEPTING BEG N 1084.25 FT (1085.28 FT BY RECORD) & E 127.19 FT (126.57 FT BY RECORD) FR SE COR SEC 25, T2S, R1W, SLM; N 89°44'37" W (WEST BY RECORD) 4.19 FT; N 0°50'51" E 223.33 FT; S 88°57'37" E (EAST BY RECORD) 4.19 FT; S 0°50'48" W (S 0°43' W BY RECORD) 223.27 FT TO BEG. ALSO LESS & EXCEPTING BEG N 0°35'25" E 583.06 FT & W 312.88 FT & N 17°56'22" E 527.85 FT FR SE COR SEC 25, T2S, R1W, SLM; W 147.20 FT; N 0°50'35" E 214.23 FT; E 145.60 FT; S 0°24'49" W 214.21 FT TO BEG.

- Exhibit A-4 (APN 21-25-479-039-0000)

BEG N 1085.28 FT FR SE COR SEC 25, T2S, R1W, SLM; W 312.82 FT; N 85.59 FT; N 89°21'30" E 209.58 FT; S 89°17' E 210.02 FT; S 0°43' W 85 FT; W 126.57 FT TO BEG. LESS & EXCEPTING BEG N 1084.25 FT (1085.28 FT BY RECORD) & E 127.19 FT (126.57 FT BY RECORD) FR SE COR SEC 25, T2S, R1W, SLM; N 89°44'37" W (WEST BY RECORD) 4.19 FT; N 0°50'51" E 223.33 FT; S 88°57'37" E (EAST BY RECORD) 4.19 FT; S 0°50'48" W (S 0°43' W BY RECORD) 223.27 FT TO BEG. ALSO LESS & EXCEPTING BEG N 0°35'25" E 583.06 FT & W 312.88 FT & N 17°56'22" E 527.85 FT FR SE COR SEC 25, T2S, R1W, SLM; W 147.20 FT; N 0°50'35" E 214.23 FT; E 145.60 FT; S 0°24'49" W 214.21 FT TO BEG.

Map Exhibits:

- Exhibit B: Aerial map (overall 4-parcel block)
- Exhibit C: Current zoning map
- Exhibit D: Proposed SSC boundary overlay (4-parcel boundary)

Written Statement Addressing Rezone Criteria:

- See Section 3 below (Amended Narrative Statement and Requested Findings)

Fees:

- Filing fee per current City fee schedule: \$665
- Fee previously tendered under Original Application: \$765 (Applicant requests staff direction whether additional/updated fee payment is required due to expanded rezone area).

Noticing Materials (MMC 17-3-9; zoning map amendment notice):

- 500-foot owners' list (same list as Original Application)

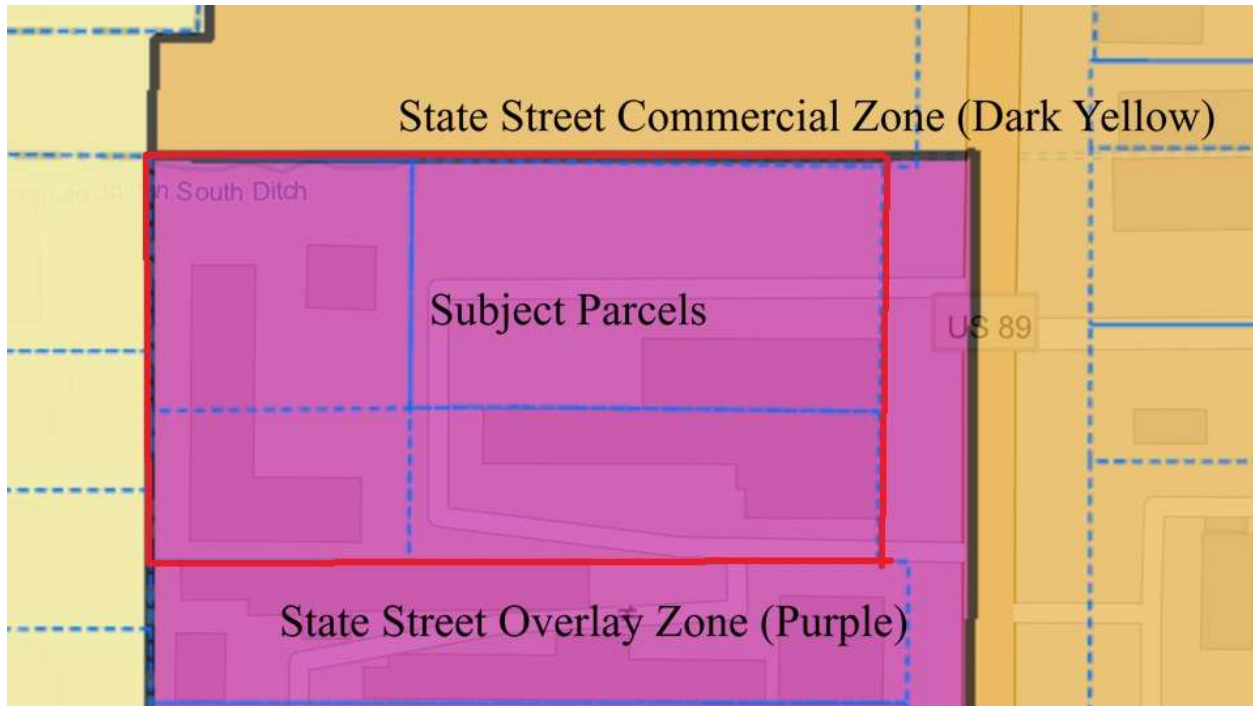
Exhibit B: Aerial map (overall 4-parcel block)



Exhibit C: Current zoning map



Exhibit D: Proposed SSC boundary overlay (4-parcel boundary)



The area outlined in red would be changed to be zoned in the State Street Commercial Zone.

Amended Narrative Statement and Requested Findings in Support of Zoning Map Amendment (MMC 17-3-1(E))

A. Property, Ownership, and Use Background

Property Configuration and Frontage.

The Amended Application rezoning area includes four contiguous parcels comprising a unified block of land running from interior commercial pad(s) to direct State Street frontage. This configuration addresses staff's stated concern that a rezone limited to non-frontage parcels could frustrate the SSC streetscape and frontage-oriented purposes.

Ownership.

A. APNs 21-25-479-036-0000 and 21-25-479-038-0000 are owned by HAROJO1 LLC, HAROJO2 LLC, HAROJO3 LLC, and HAROJO4 LLC (managed by Harojo Properties LLC).

B. APNs 21-25-479-037-0000 and 21-25-479-039-0000 are owned by the Willy Chun & Tami Chun Family Living Trust 12/08/1990 (trustees: Gary Chun and Tami Chun), per the Chun Owner Authorization.

Existing Uses and Regulatory Context.

A. The Applicant seeks zoning that permits Vehicle Sales (Minor) (and related incidental activities) as a conforming use.

B. The frontage parcels include an established restaurant use and associated parking area(s) that support the frontage commercial activity and may be used as Shared Parking for adjacent parcels.

C. Under the City's definitions, "Retail and service commercial" excludes vehicle or large equipment rental, sales, repair, or assembly. This definition is consistent with the City's current determination that automobile sales are not a permitted use in the TOD zoning district for the subject location.

D. The SSC use table expressly allows vehicle-related uses (including sales (minor) and sales/service (major)), and the City's supplementary regulations provide operational standards for Vehicle Sales (Minor), including restrictions on the number of vehicles displayed outdoors.

B. Requested Action

The Applicant and participating Owners request a zoning map amendment rezoning the Property from TOD to SSC.

C. Legal Framework (Legislative Nature; Deference; Procedural Compliance)

1. A zoning map amendment is a legislative action. Legislative zoning decisions are reviewed under a highly deferential framework (i.e., upheld if reasonably debatable and supported by a rational basis). *Petersen v. Riverton City*, 243 P.3d 1261 (2010); *Springdale Lodging v. Springdale*, 2024 UT App 83; *Village of Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926).
2. While the City has broad discretion in legislative rezoning, it must follow its mandatory procedures and apply its own adopted standards when processing and deciding zoning matters. *Springville Citizens for a Better Community v. City of Springville*, 1999 UT 25; *Thurston v. Cache County*, 626 P.2d 440 (1981).
3. The City's notice and hearing framework for zoning map enactments and amendments is governed by state statute and the City's implementing code provisions. See, e.g., Utah Code Ann. § 10-9a-205; Utah Code Ann. § 10-9a-509.

D. MMC 17-3-1(E) Criteria—Requested Findings Supporting Approval

The Planning Commission may recommend, and the City Council may approve, the requested zoning map amendment upon written findings that the proposal promotes applicable statutory purposes and demonstrates one or more criteria in MMC 17-3-1(E). Applicant requests the following findings:

1. MMC 17-3-1(E)(1): Proposed rezoning promotes objectives of the General Plan.

A. The SSC is designed to promote quality growth and complementary development along State Street, catalyzing commercial vitality while protecting nearby neighborhoods.

B. The Amended Application aligns the zoning boundary with the State Street corridor by bringing the full block—including State Street frontage—under the SSC framework. This allows the City to apply SSC frontage and corridor standards across the entire block rather than leaving frontage and interior parcels split between different zoning regimes.

C. The SSC standards (including sidewalk width, frontage activation, landscaping, lighting, and signage) are a better fit for parcels that function as part of the State Street commercial corridor and will allow a coordinated streetscape approach for future site upgrades.

2. MMC 17-3-1(E)(3): The land or surrounding environs have changed or are changing such that it is in the public interest to encourage redevelopment or recognize changed character.

A. The Property is part of an established commercial corridor. The rezone is a measured boundary refinement that recognizes the corridor's existing commercial character and the City's planning focus on State Street.

B. The Amended Application directly addresses staff's frontage concern by including the State Street frontage parcels, thereby reducing the risk that SSC standards could be applied to interior parcels without the associated corridor frontage and streetscape control.

C. The rezone also serves the public interest by converting a recurring use-permission conflict (vehicle sales prohibited in TOD) into a regulated, conforming use under SSC with specific operational limits for minor vehicle sales.

E. Compatibility, Operations, and SSC Standards (As Conditions/Commitments Where Applicable)

Use Compatibility.

A. The SSC use table permits vehicle-related uses (including Vehicle Sales (Minor)) and restaurant uses; both are consistent corridor commercial uses.

B. Minor vehicle sales is regulated by the City's supplementary standards, including limits on outdoor display and requirements for parking stall designation.

Parking and Shared Parking.

A. The shared/leased parking arrangement within the 4-parcel block supports efficient corridor land use and reduces incentives for excessive curb cuts along State Street.

B. Applicant supports a site plan and striping approach that separates required customer parking from vehicle display and preserves pedestrian safety and sight distance.

Frontage Improvements and Compliance Approach.

Applicant will work with staff through future permitting/site plan review to implement SSC-consistent frontage and site standards to the extent feasible given existing improvements, including:

- Sidewalk and ADA transitions consistent with SSC frontage standards.
- Landscaping and street tree integration.
- Lighting and signage compliance.

F. Response to Anticipated Concerns

Spot Zoning.

This is not an isolated “island” rezone. The Amended Application rezones a contiguous block to State Street frontage, aligning zoning with corridor function.

TOD Purpose and Transit-Supportive Planning.

The rezone is limited to a block whose frontage and operations are corridor-commercial in nature and does not undermine broader TOD planning goals elsewhere within the district.

Public Input and Record.

In the legislative rezone context, public input is a valid consideration; however, the decision should be tied to the ordinance criteria and factual land use considerations rather than generalized “public clamor” untethered to the code standards. *Petersen v. Riverton City*, 243 P.3d 1261 (2010); *Davis County v. Clearfield City*, 756 P.2d 704 (1988)

G. Conclusion

The Amended Application satisfies MMC 17-3-1(E) because it (i) promotes State Street corridor objectives by aligning zoning boundaries with corridor frontage and standards, and (ii) recognizes changed/continuing corridor conditions warranting a consistent SSC zoning designation across the full block.

Proposed Ordinance Language (Updated for 4 Parcels)

Ordinance No. [2026-__]

AN ORDINANCE AMENDING THE ZONING MAP OF MIDVALE CITY, UTAH, TO REZONE APPROXIMATELY [ACREAGE] ACRES LOCATED AT/INCLUDING [COMMON ADDRESS DESCRIPTION], FROM TRANSIT-ORIENTED DEVELOPMENT ZONE (TOD) TO STATE STREET ZONE (SSC).

Section 1. Findings.

The City Council finds that the amendment is consistent with the City's adopted corridor goals and is supported by the zoning map amendment criteria because the rezone area comprises a contiguous block to State Street frontage, and the amendment recognizes existing and changing corridor conditions warranting consistent application of SSC standards.

Section 2. Map Amendment.

The official Zoning Map is amended to classify Salt Lake County Parcel Nos. 21-25-479-036-0000; 21-25-479-038-0000; 21-25-479-037-0000; and 21-25-479-039-0000 as STATE STREET ZONE (SSC), as depicted in Exhibit [A].

Section 3. Effective Date.

This ordinance shall take effect upon publication and update of the official Zoning Map.

PASSED AND ADOPTED this __ day of __, 2026.

[Council Signatures/Attest]



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

MIDVALE CITY PLANNING COMMISSION STAFF REPORT 1/14/2026

SUBJECT

Midvale City initiated request to modify Midvale Municipal Code Section 17-7-17.3 (TODO Zone) to provide design flexibility of the commercial mixed-use requirement.

SUBMITTED BY

Wendelin Knobloch, Planning Director

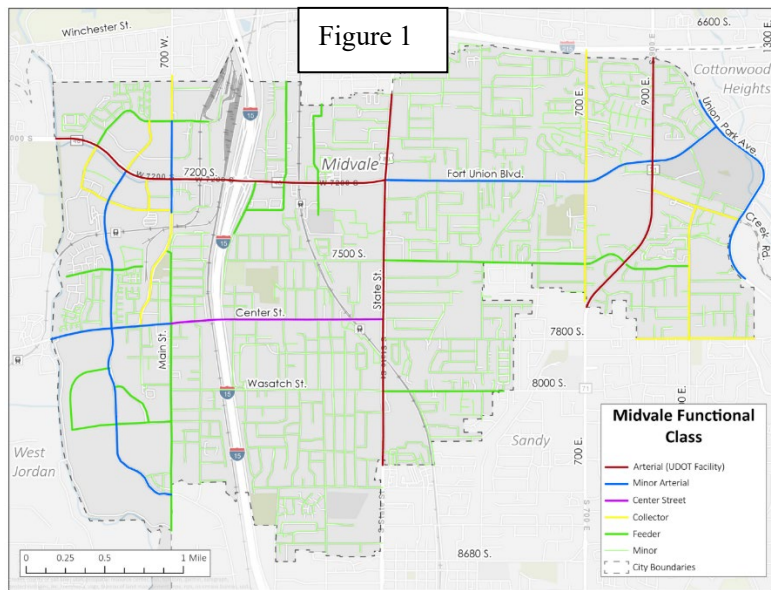
BACKGROUND AND ANALYSIS

UPDATE FOR 1/14/2026 PLANNING COMMISSION MEETING

After some additional internal discussions regarding the TODO zone, the decision was made to add a minimum depth requirement for commercial space on the first floor of mixed-use structures for the Planning Commission's review, as reflected in the new ordinance text.

REPORT FOR 11/12/2025 PLANNING COMMISSION MEETING

This code text amendment changes how the TODO zone implements the mixed-use requirement for the main floor of buildings. Instead of requiring a percentage of the building footprint area as office, retail, and/or restaurant uses the new language proposes a percentage of the street facing building façade as office, retail, and/or restaurant uses, with the addition of an option for clustering the requirement on any road classified as a Feeder or larger (e.g. Collector, Arterial), as designated in the Transportation Element of the General Plan (see Figure 1).



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

ZONING CODE AMENDMENT CRITERIA

Midvale City Code 17-3-1(F) outlines the criteria necessary for amendments to the zoning code. A proposal may only be approved if it 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;
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.

Staff finds that this proposal meets the first, second, and third criteria listed above because the change promotes the following: (1) the general plan objective of optimizing land uses in Opportunity Areas (Criterion 1); (2) the Municipal Land Use, Development, and Management Act (LUDMA) objectives of promoting prosperity and protecting the tax base (Criterion 2); and (3) the clear interpretation of code language (Criterion 3).

STAFF RECOMMENDATION

Staff advises the Planning Commission recommend approval of the code text amendment with the following finding:

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

RECOMMENDED MOTION

I move that we recommend approval of the Midvale City initiated request to modify Midvale Municipal Code Section 17-7-17.3 (TODO Zone) to provide design flexibility of the commercial mixed-use requirement with the finding noted in the staff report.

ATTACHMENTS

1. Draft Ordinance

ORDINANCE NO. 2026-O-??

AN ORDINANCE AMENDING SECTION 17-7-17.3 OF THE MIDVALE CITY MUNICIPAL CODE ENTITLED TRANSIT ORIENTED DEVELOPMENT OVERLAY ZONE TO PROVIDE DESIGN FLEXIBILITY OF THE COMMERCIAL MIXED-USE REQUIREMENT

WHEREAS, pursuant to Utah Code Annotated Sections 10-8-84 and 10-20-501 through 10-20-503, Midvale City (“the City”) has authority to make and amend any regulation of or within zoning districts or any other provision of the land use ordinance to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the municipality; and

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

WHEREAS, pursuant to Section 16-01-010 of the Code, the City desires to protect and provide for the public health, safety, and general welfare of the city; protect the character and social and economic stability of all parts of the city; protect and preserve the value of land throughout the municipality; guide public and private policy and action; establish responsible standards; prevent pollution and degradation of air, streams, and ponds; preserve the natural beauty and topography; and provide for open spaces through the most efficient design and layout of the land;

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

WHEREAS, the City desires to amend Section 17-7-17.3 of the Code entitled Transit Oriented Development Overlay to clarify provisions related to the commercial mixed-use requirement; and

WHEREAS, the Planning Commission held a public hearing on January 14, 2026, to review the requested amendments and, after considering all the information received, made a recommendation to approve the amendment request to the City Council; and

WHEREAS, the City Council of Midvale City, Utah held a public hearing on ??, 2026; and

WHEREAS, after taking into consideration citizen testimony, planning analysis, and the Planning Commission’s recommendation as part of its deliberations, the City Council finds it is appropriate and within the best interest of the City to make changes to the Code.

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

Section 1. The following section of the Midvale City Municipal Code is hereby amended as included in the attachment to this document:

- Attachment A: Amending Section 17-7-17.3.

Section 2. This ordinance shall take effect upon the date of first publication.

PASSED AND APPROVED this ?nd day of ??, 2026.

Dustin Gettel, Mayor

ATTEST:

Rori Andreason, MMC
City Recorder

Voting by City Council
Bonnie Billings
Paul Glover
Heidi Robinson
Bryant Brown
Denece Mikolash

“Aye”

“Nay”

Date of first publication: _____

Attachment A

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17-7-17.3 Development standards.

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

A. *Lot Area.* There is no minimum lot area.

B. *Setbacks.* Development shall comply with the following setbacks:

1. *Front.* Any frontage of a property is required to comply with the front yard setbacks in this subsection. The front yard setback is ten feet, which shall include a ten-foot-wide sidewalk, with tree wells, street furniture, planter boxes, and other urban design amenities. Additional front yard setback beyond ten feet is permitted if the additional area provides space for outdoor dining, shopping, a patio, or a courtyard. The front yard setback is measured from the back of curb.

a. *Corner Lot Rule.* Corner lots have two front yards.

b. *Projections.* Sills, cornices, flues and ornamental features may project into the front yard setback up to two and one-half feet, provided the feature does not impede pedestrian traffic on the sidewalk and is at least eight feet above the ground. Eaves, awnings, arcades and second story and above balconies may project into the front yard up to five feet so long as these elements are at least eight feet above ground and do not impede pedestrian traffic on the sidewalk.

2. *Rear.* There is no rear yard setback for development except as required by the International Building Code, landscape buffers, and the single family setback. The rear of a building may not abut a public street.

3. *Side.* There is no side yard setback for development except as required by the International Building Code, landscape buffers, and the single family setback. The only allowed uses within the side setback are outdoor dining, gathering, and shopping.

4. *Single Family Setback.* The minimum setback from the property line, when adjacent to a single family residential zoned property, is fifteen feet, subject to the following requirements and exceptions. Development is considered adjacent when the development property directly abuts a single family residential zone property.

a. Three-story structures must be set back thirty feet from an adjacent single family residential zoned property. Four-story structures must be set back forty-five feet from an adjacent single family residential zoned property. Five-story structures and above must be set back sixty feet from an adjacent single family residential zoned property. Every additional two stories must have a building step-back of fifteen feet up to seven stories from an adjacent single family residential zoned property (up to ten stories only if incentives have been obtained, the tenth story does not need a separate setback).

b. *Projections.* Sills, cornices, chimneys, flues, eaves, and ornamental features may project into the setback up to two and one-half feet.

c. *Stairs and Landings.* Outside stairways and landings required by building code for exterior doorways may project into the setback up to three feet.

C. *Build-To Line.* The front yard setback is the build-to line. At least fifty percent of the front elevation must be built within three feet of the build-to line. Recessed plazas, courtyards and trellises are encouraged. The structure may be set back an additional fifteen feet to allow for the inclusion of an outdoor dining area, courtyard, patio, or outdoor shopping area.

D. *Height.* The maximum height for a structure is five stories, unless the structure qualifies for incentives under this section. The maximum height for any structure is one hundred fifty feet.

E. *Maximum Density.* For commercial and vertical mixed-use development, the maximum density is eighty-five dwelling units per acre.

F. *Stories.* All building types must be from three to five stories.

G. *Vertical or Commercial Mixed-Use Requirement.* A vertical or commercial mixed-use component is required in the areas shown in Figures 1 and 2 below. The first story of any vertical or commercial mixed-use structure must consist of a minimum of ~~67.5%~~ fifty percent of the street facing building facades ~~building footprint~~ as office, retail, or restaurant uses. The resulting office, retail, or restaurant space shall have a minimum depth of 25 feet measured at a right angle from the interior surface of the front wall to the interior surface of the rear wall.

Clustering of this requirement on Arterial, Minor Arterial, Center Street, Collector, and Feeder roads as defined in the Transportation Element of the General Plan is allowed as long as the overall linear footage of street facing building facades that is provided as office, retail, and/or restaurant uses is equal to what would have been provided on a per street facing building

frontage basis without clustering. —Buildings that have frontage on Fort Union Blvd, State Street, and Center Street may not contain office uses s along that frontage on the first story. Additional retail, restaurant, or office uses may be included in upper stories if multi-family residential units make up at least fifty percent50% of the building's gross floor area. Developments in the required mixed-use areas automatically qualify for the incentive in subsection (H) of this section.



Figure 1. Required Mixed-Use Area Near Center Street TRAX Station



Figure 2. Required Mixed-Use Area Near Fort Union TRAX Station

H. *Incentive for Vertical or Commercial Mixed-Use Component.* A vertical or commercial mixed-use structure may have up to ten stories and no maximum density if the first story of the structure consists of a minimum of 40% of the street facing building facades as office, retail, or restaurant uses. The resulting office, retail, or restaurant space shall have a minimum depth of 25 feet measured at a right angle from the interior surface of the front wall to the interior surface of the rear wall.

Clustering of this requirement on Arterial, Minor Arterial, Center Street, Collector, and Feeder roads as defined in the Transportation Element of the General Plan is allowed as long as the overall linear footage of street facing building facades that is provided as office, retail, and/or restaurant uses is equal to what would have been provided on a per street facing building frontage basis without clustering. Buildings that have frontage on Fort Union Blvd, and Center Street may not contain office uses in the first story. ~~the first story of the structure consists of a minimum of twenty-five percent~~ 50% office, retail, or restaurant use.

I. *Incentive for Affordable Housing.* A vertical or commercial mixed-use structure may have up to ten stories and no maximum density if at least ten percent of the dwelling units in the structure are deed-restricted as affordable housing.

J. *Required Recreational Amenities.* A vertical or commercial mixed-use structure that has a residential use must provide both indoor and outdoor recreational amenities for residents of the structure. The number and type of amenities shall be based on the unit count for the project and calculated as follows:

Unit Count	Type of Amenity
< 100 units	2 indoor amenities 1 outdoor amenity
100—200 units	3 indoor amenities 2 outdoor amenities
201—400 units	4 indoor amenities 3 outdoor amenities

Unit Count	Type of Amenity
> 400 units	5 indoor amenities 4 outdoor amenities

The following recreational amenities can be used to meet the indoor amenity requirement: minimum one thousand square-foot fitness center (can be counted as two amenities); minimum five hundred square-foot club/recreation room; minimum two hundred square-foot business center/meeting room; or minimum one hundred fifty square-foot yoga room; theatre room; golf/sports simulator.

The following recreational amenities can be used to meet the outdoor amenity requirement: pool and spa; outdoor kitchen/barbeque area with tables and seating; pavilion with tables and seating; tot lot; perimeter jogging/walking path with connection to a public pedestrian system and public recreation areas; firepit with seating; or sports court.

K. *Structure Orientation and Scale.* Structures shall be oriented and scaled as follows:

1. Structures shall be serviced by a minor street or driveway and may not gain access from Center Street or a feeder, collector, major collector, or minor arterial street except as approved by the city engineer. Structures that front a courtyard, paseo, common open space, or recreation area are encouraged.
2. Structures shall be arranged and situated to relate to surrounding properties, to improve the view from and of buildings and to minimize road area.
3. Ground floor pedestrian entrances must be oriented toward adjacent streets, plazas, courtyards, sidewalks and trails.
4. Structures shall be designed to minimize pedestrian and automobile conflict while providing pedestrians direct access to a sidewalk or trail.
5. Structures shall be designed with separate residential and commercial entrances.
6. Massing should be divided into rhythmic blocks to bring the design of the unit much closer to the human scale and to create a pedestrian-friendly atmosphere.

7. Long structure rows without varying setbacks or mass should be avoided to prevent wind tunneling and long-term shadow casting.
8. Structure planes shall incorporate varying heights, textures, shapes or colors to mitigate the visual impact buildings have on the public realm.
9. Structure design and orientation should consider exposure to sunlight to avoid energy inefficiencies.
10. Gathering areas in central areas and between structures are encouraged. These areas shall be designed, through landscaping, hardscape, outdoor furniture, and public art, among others, to create a conducive atmosphere for people to come together. (Ord. 2025-03 § 1 (Att. A); Ord. 2018-03 § 1 (Att. A (part)); Ord. 2017-04 § 1 (Att. A (part)). Formerly 17-7-17.4)

The Midvale Municipal Code is current through Ordinance 2025-12, passed June 17, 2025.

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

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

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