



7505 South Holden Street  
Midvale, UT 84047  
Phone (801) 567-7200  
[www.midvalecity.org](http://www.midvalecity.org)

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## MIDVALE PLANNING AND ZONING COMMISSION MEETING AGENDA AUGUST 10, 2016

**WORKSHOP MEETING  
COUNCIL CHAMBERS  
6:45 PM**

- STAFF BRIEFING OF AGENDA ITEMS AND UPDATES

**GENERAL SESSION  
COUNCIL CHAMBERS  
7:00 PM**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **PUBLIC HEARING(S)**

1. CUP-21-36-477-006; VAN GOES BODY SHOP; 8452 SOUTH STATE STREET; CONDITIONAL USE PERMIT FOR VEHICLE REPAIR USE; STATE STREET COMMERCIAL ZONE; BRETT HERMANSEN (APPLICANT)

### **ACTION ITEM(S)**

2. TXT-16-04; TEXT AMENDMENT TO CLARIFY LANGUAGE FOR PARKING AND LANDSCAPING REQUIREMENTS ASSOCIATED WITH SINGLE FAMILY AND DUPLEX LOTS IN THE SF-1, SF-2, RM-12 AND RM-25 ZONES; CITY STAFF (APPLICANT) (CONTINUED FROM 07-27-16)

### **DISCUSSION**

3. ANNUAL REVIEW OF PLANNING COMMISSION BYLAWS AND RULES OF PROCEDURE

### **MINUTES**

4. REVIEW AND APPROVE MINUTES OF MAY 25, 2016; JUNE 8, 2016; JUNE 22, 2016; JULY 13, 2016; AND JULY 27, 2016

### **ADJOURN**

The workshop meeting is open to the public; however, there is no public participation. This meeting includes City Staff briefing Commission Members on the technical aspects of the agenda items. Members of the public will be given an opportunity to address the Commission during public hearing items in the general session. The Commission reserves the right to amend the order of the agenda if deemed appropriate. No item will be heard after 10:30pm 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 CED Administrative Assistant at (801) 567-7211, providing at least three working days advance notice of the meeting.

A copy of the foregoing agenda was provided to the news media by email and/or fax; the agenda was posted in the City Hall Lobby, the 2<sup>nd</sup> Floor City Hall Lobby, on the City's website at [www.midvalecity.org](http://www.midvalecity.org) and the State Public Notice website at <http://pnn.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.

**Midvale City**  
Department of Community Development  
Planning and Zoning Department

**Planning and Zoning Commission Staff Report**

**APPLICATION:** VAN GOES BODY SHOP  
**LOCATION:** 8452 South State St.  
**APPLICANT:** Brett Hermansen  
**FILE #:** CUP-21-36-477-006  
**REQUEST:** CUP FOR VEHICLE RELATED USE - REPAIR  
**MEETING DATE:** Wednesday, August 10, 2016  
**ZONING DESIGNATION:** State Street Commercial (SSC)  
**AUTHOR:** Matt Hilderman, Associate Planner  
**APPLICABLE ORDINANCE (S):** MMC Chapter 17-3-4, Chapter 17-7-7, Chapter 17-7-7.11  
**AGENDA #:**

**SUMMARY:**

Brett Hermansen, authorized agent representing the property owner, Ardell Brown/ADB Investments, submitted a complete application, proposing to operate and manage a vehicle repair business in an existing commercial building. The total acreage of this site is estimated at 1.56 acres and consists of one (1) established commercial structure and associated outdoor storage units.

The applicant proposes to occupy the existing structure, located to rear of the property identified above. The total square footage of the structure is estimated to be 3750 square feet and includes a small area dedicated to office work and an existing restroom for employees and customers. Eighteen (18) total parking stalls have been designated for this operation. The commercial operating hours are anticipated to be between the hours of 9:00 a.m. thru 5:00 p.m., Monday – Friday and the applicant anticipates a maximum of three (3) employees during the identified business hours.

The recommended amount of parking spaces for this proposed use is calculated to be one space per employee per shift plus 4 per service bay and 1 per 1,000 square feet of warehouse floor area. Based upon review of the submitted site plan, the amount of off-street parking required is eleven (11) for the auto repair use and four (4) for the warehouse use, requiring a minimum of fifteen (15) parking stalls. Based upon the applicant's submitted site plan, the required amount of off-street parking for this specific business is sufficient.

The applicant has indicated that no further improvements are proposed such as; exterior facade lighting and outdoor parking lights. Since this proposed use is located on an existing developed parcel and the overall site or building mass size is not proposed to be altered, no further development standards or improvements are required.

This proposal is located within the State Street Commercial (SSC) zone, which requires a Conditional Use Permit for vehicle repair. In order to approve a Conditional Use Permit, the following applicable criteria must be satisfied:

1. The application complies with all applicable provisions of the zoning ordinance, state and federal law;
2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;

3. The use is not detrimental to the public health, safety and welfare;
4. The use is consistent with the Midvale City General Plan, as amended;
5. Traffic conditions are not adversely effected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
6. Sufficient utility capacity;
7. Sufficient emergency vehicle access;
8. Location and design of off-street parking as well as compliance with off-street parking standards provided for in §17-7-13.7;
9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses; and
10. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses.

In reviewing this application and the above criteria, it appears this proposal will not be detrimental to the health, safety and welfare of people and businesses in the area. Based on review of the business licensing database, there is an existing automotive sales business operating at this location (Ardell Brown Classic Cars) and similar vehicle-related uses have operated at this location, as well (Welch Fun Cars - 1999; Rowley's Family Boat Store – 1999; Pier Marine – 2006; and Water's Edge Recreation – 2011; ). Further research also determined the applicant was initially operating at 8408 S. State St., identified as Van Goes Auto Sales, from 12/2010 thru 02/2011. The applicant requested a refund from the Business Licensing Department and noted that they were relocating outside of Midvale City. It was then determined that this business began operating again within Midvale City, beginning from February, 2012, at the location being proposed with this application.

All improvements exist, with sufficient utility capacity and emergency vehicle access. Staff does not anticipate any adverse impacts being created by this proposed use, provided the business is operated in accordance with this proposal. Through the Business License process, all Building and Fire Code requirements shall be taken care of.

**STAFF RECOMMENDATION:**

Based on the proposal's compliance with the Conditional Use Permit criteria and the above analysis, Staff would recommend that the Planning Commission approve the Conditional Use Permit for **Van Goes Body Shop**, to be located at **8452 South State Street**, with the following conditions:

1. All vehicles related to the business shall be parked in the stalls associated with the tenant space or inside the building. The associated parking stalls for customers and employees shall be striped to ensure vehicles are appropriately parked at all times.
2. All vehicle work shall be performed inside the shop area.
3. Any vehicles kept overnight shall be stored inside the warehouse shop area. Outdoor storage is prohibited.
4. Any vehicle sales are prohibited at this location.
5. The applicant shall comply with all requirements of the Building Official and Fire Marshal.
6. All requirements of the State regarding the storage and disposal of hazardous materials shall be satisfied at all time.
7. The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.
8. All signage shall comply with the sign requirements for the SSC zone and sign permits obtained before such signage is installed.

**RECOMMENDED MOTION:**

*“Based on the proposal’s compliance with the Conditional Use Permit criteria and the above analysis, I move to approve the Conditional Use Permit for Van Goes Body Shop, to be located at 8452 South State Street, with the following conditions:*

- 1. All vehicles related to the business shall be parked in the stalls associated with the tenant space or inside the building. The associated parking stalls for customers and employees shall be striped to ensure vehicles are appropriately parked at all times.*
- 2. All vehicle work shall be performed inside the shop area.*
- 3. Any vehicles kept overnight shall be stored inside the warehouse shop area. Outdoor storage is prohibited.*
- 4. Any vehicle sales are prohibited at this location.*
- 5. The applicant shall comply with all requirements of the Building Official and Fire Marshal.*
- 6. All requirements of the State regarding the storage and disposal of hazardous materials shall be satisfied at all time.*
- 7. The applicant shall obtain and maintain a Midvale City Business License in order to operate at this location.*
- 8. All signage shall comply with the sign requirements for the SSC zone and sign permits obtained before such signage is installed.”*

**ADJACENT LAND USES:**

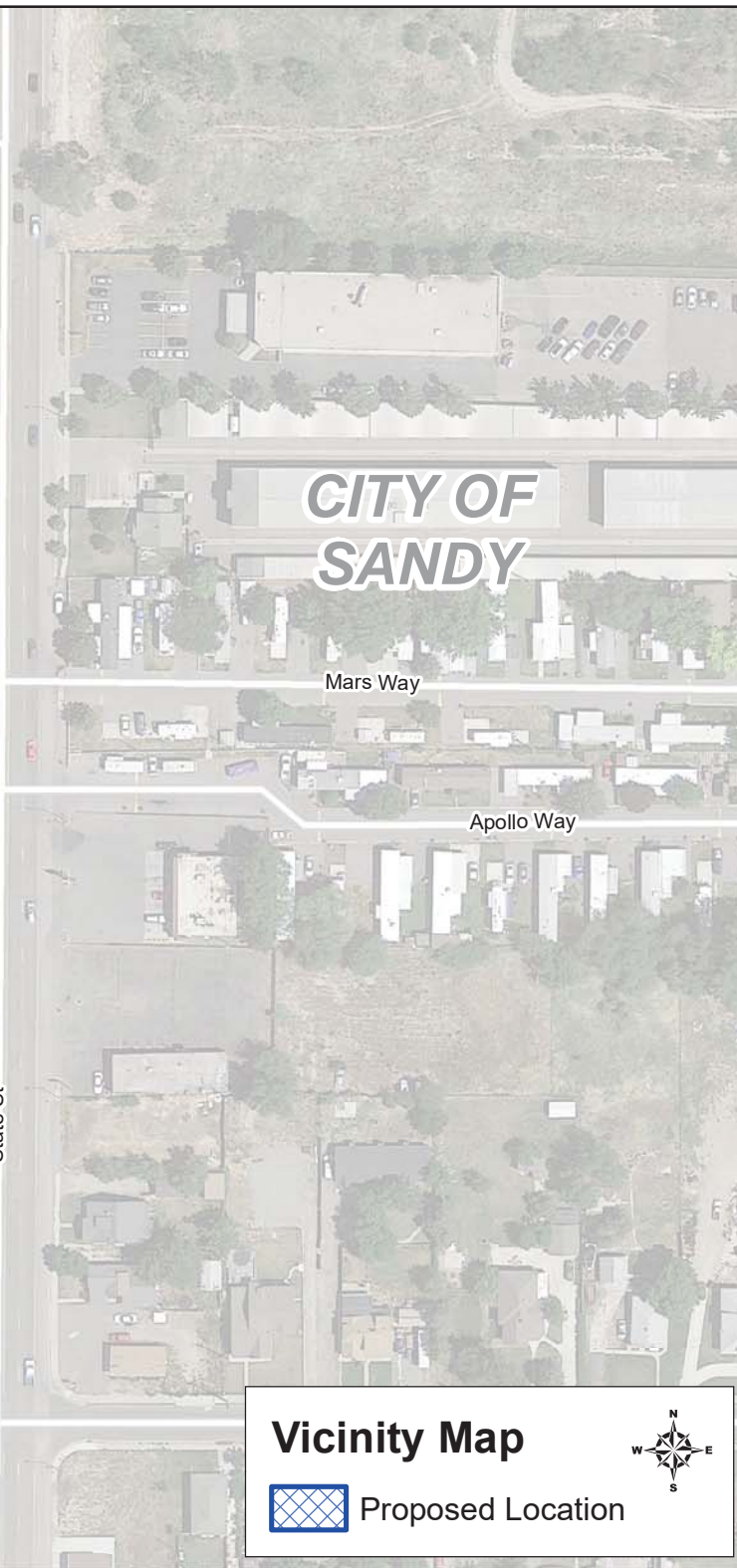
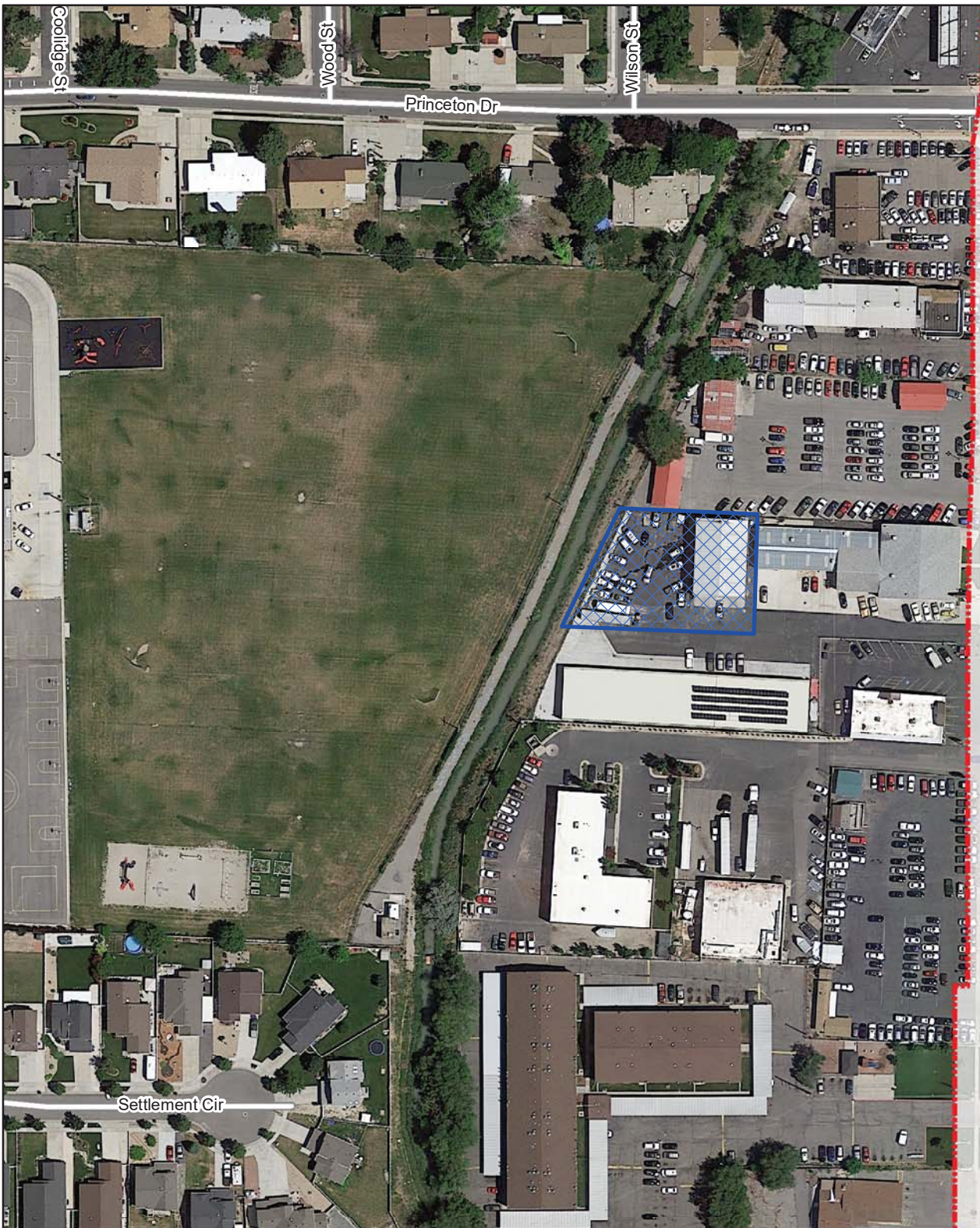
<b>North:</b> Commercial businesses	SSC (State Street Commercial)
<b>South:</b> Commercial businesses	SSC (State Street Commercial)
<b>East:</b> Commercial/Residential Uses	Sandy City Limits
<b>West:</b> Copperview Elementary	SF-1 (Single Family Residential)

**ATTACHMENTS:**


- Vicinity Map
- Site Plan
- Submittal Documents


**PUBLIC NOTICE:**  No  Yes



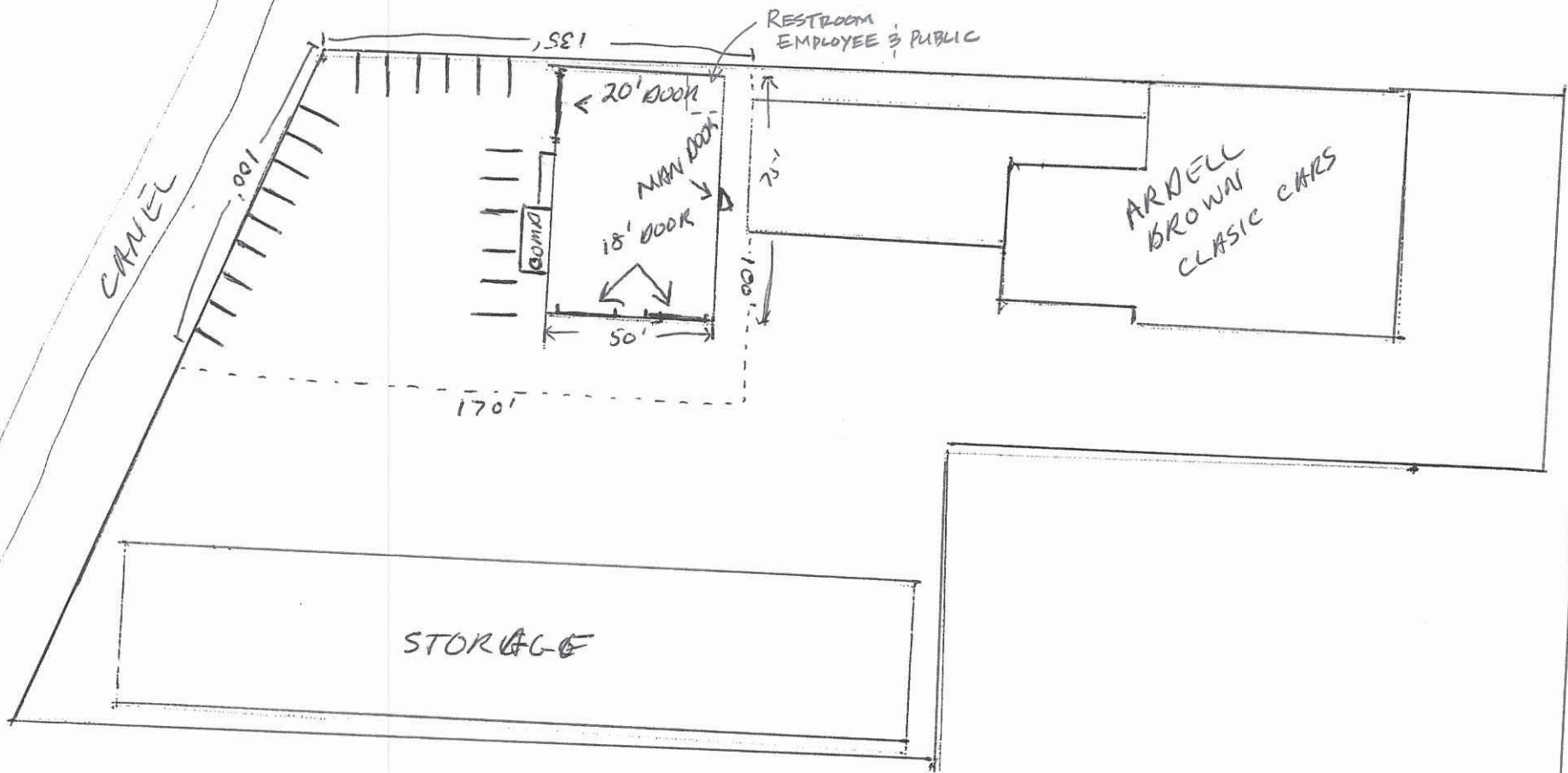


**Vicinity Map**

 Proposed Location







8452 SO. STATE ST.



**MIDVALE CITY**

Department of Community Development  
7505 South Holden Street, Midvale City, Utah 84047  
Phone: 801.567.7231 \* www.midvalecity.org

**CONDITIONAL USE PERMIT APPLICATION**

**Applicant Information**

Name: BRETT HERMANSEN  
Business Name (if applicable): VAN GOES  
Mailing Address: 8452 SO. STATE ST  
City, State, Zip: MIDVALE UT 84047  
Daytime Phone: 801 597-3517 Email: VANGOES8408@GMAIL.COM

<i>For Office Use Only</i>	
CUP-	<u>18.002665</u>
Fee:	<u>\$ 260.78</u>
Date Accepted:	<u>07/11/16</u>
Planner:	<u>WJH</u>
<b>Meeting Dates</b>	
Planning Commission	_____
City Council	_____

**Property Owner Information**

Owner Name (if different): ADB INVESTMENTS  
Mailing Address: 8452 SO. STATE ST.  
City, State, Zip: MIDVALE UT 84047  
Daytime Phone: 801.255.1602 Email: adbcc2020@yahoo.com

**Project Information**

Property Address: 8452 SO. STATE ST. MIDVALE Parcel No.: \_\_\_\_\_  
Detailed Nature of Use (business statement, hours, number of employees, activities, related products, etc.):  
(May be attached) BODY SHOP, 9-5 HOURS MON-FRI, 1-3 EMPLOYEES,  
Paint cars.

**Application Fees**

\$250 without site plan review + P/h

\$890 with preliminary site plan review (if applicable)

**Authorized Signature**

I am/we are aware that this application does not authorize building or conducting business until approved by Midvale City Corporation and a conditional use permit have been issued. **I/We also understand that when a conditional use permit is granted subject to conditions, such conditional use permit does not become effective until all conditions have been met.** I/We also agree to conduct said business/development strictly in accordance with the laws and ordinances covering such businesses and developments and that no other business will be conducted other than what is stated above. I certify that the submitted information is true and correct to the best of my knowledge. I am aware that only complete applications will be accepted for processing. (Complete application requirements are attached.)

Authorized Signature: Brett Hermansen Date: 6-30-16

Note: Obtaining a conditional use permit does not eliminate the necessity of obtaining a building permit and/or a business license (if applicable). Please contact the Midvale City Building Department or the Business License Administrator.

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# van goes auto body

Automotive Repair Automotive Body Shop

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### ABOUT



8408 S State St  
Midvale, UT

(801) 597-3517

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- Ask for van goes auto body's hours
- Ask for van goes auto body's price range
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### PHOTOS



### VISITOR POSTS

van goes auto body shared Mark Hermansen's post.  
November 17, 2015 ·

Check this out!



Mark Hermansen added 2 new photos.  
November 17, 2015 ·

Before and after

Like Comment Share

1

Write a comment...

van goes auto body  
November 13, 2015 ·

Tadaaaa



Like Comment Share

Chat (Off)





September 26, 2013 at 6:40pm

I used a Groupon to have my headlights restored. They did an excellent job.

Like · Comment

REVIEWS

3.0 3.0 of 5 stars  
2 reviews



Aaron J Senger

1 I scheduled an appointment for a prepaid (Groupon) headlight restoration. I took time off of work to do this. When I ar... See More  
June 18, 2015 ·

Like Comment



Chris Olsen

5  
December 3, 2013 ·

Like Comment



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Automotive Repair in Midvale, Utah

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van goes auto body

November 13, 2015 ·

Mark Hermansen getting his paint on



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1



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van goes auto body

November 13, 2015 ·

ready for paint



Like Comment Share




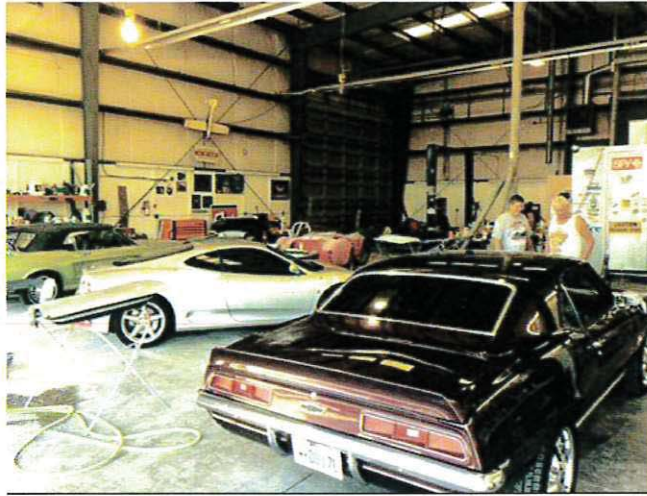
van goes auto body

September 1, 2015 ·


Sweet ride!



 van goes auto body added a new photo.  
August 28, 2015 ·



Like Comment Share

 van goes auto body added 2 new photos.  
August 27, 2015 ·

Here is the before and after of our Headlight Restoration! This will not fade!  
Call and make your appointment now \$75internet special! 801-5973517  
Brett




Like Comment Share

 van goes auto body  
January 29, 2015 ·

Hey everybody.....if you know anyone looking for a job at a wonderful  
Autobody Shop give us a call!! 801-597-3517.

Like Comment Share

2

 Write a comment...

Chat (Off)



March 6, 2013 ·

We are hiring!!! Give us a call @ 801-597-3517

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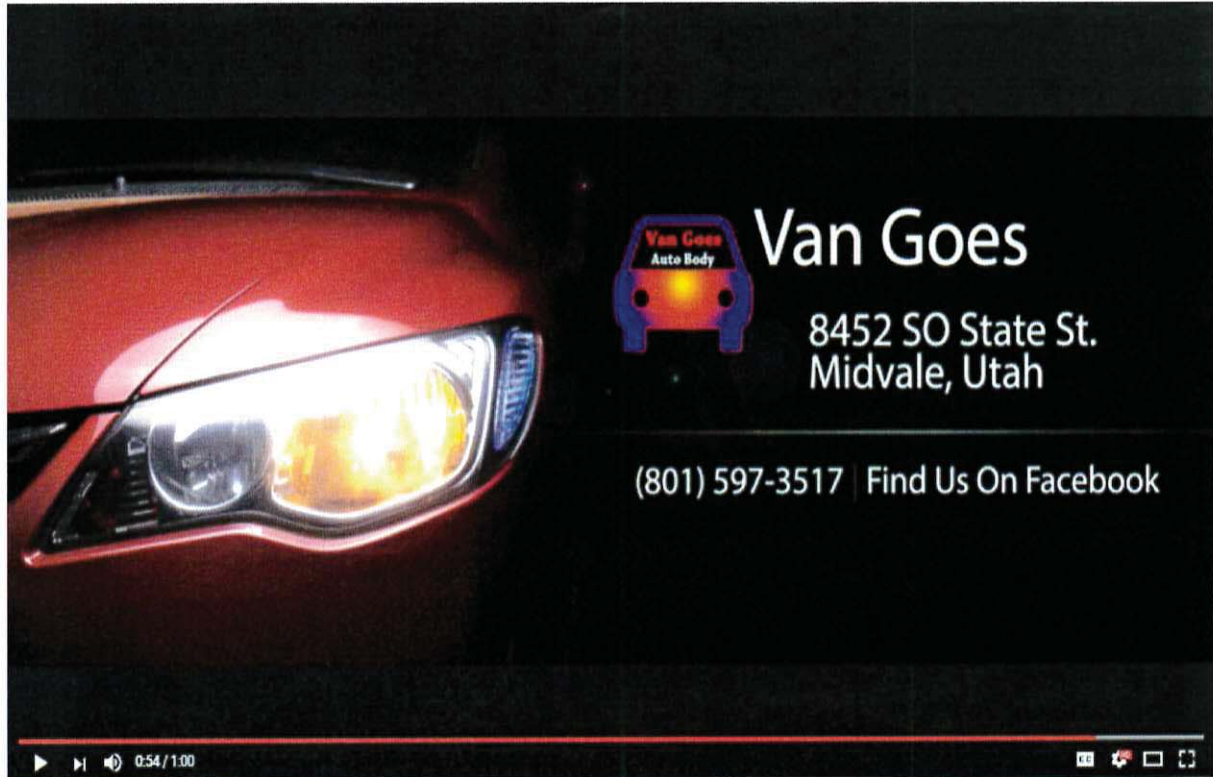
van goes auto body

February 21, 2012 ·

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Van Goes | Repair & Service in Midvale



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Published on Aug 8, 2015

Van Goes Auto Body is your one-stop auto service and repair shop in town. We offer complete repair services ranging from oil changes and tune-ups all the way up to major collision repair. We know you want only the best for yourself and your family, and the safety of your vehicle is a big part of that. When your car, truck, or van needs maintenance, bring it in to Van Goes. We're proud to provide the best car care service in the industry, in business 17 years and counting. We will work hard to make sure that the job is done right the first time, and you are back on the road as soon as possible. You can rest easy knowing that you are getting a fair price for quality work. When you have to put your trust in a garage, put that trust in Van Goes. You will not regret it. Call today or visit us on Facebook for more information. Visit our profile page to learn more! [https://my.datasphere.com/biz/van\\_goe...](https://my.datasphere.com/biz/van_goe...)

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**Midvale City**  
Department of Community Development  
Planning and Zoning

**Planning and Zoning Commission Staff Report**

**APPLICATION:** Zoning Ordinance Text Amendment – Clarify language for parking and landscaping requirements for single family and duplex lots

**LOCATION:** SF-1; SF-2; RM-12 and RM-25 Zone Districts

**APPLICANT:** City Staff

**FILE #:** TXT-16-04

**REQUEST:** Text Amendment

**MEETING DATE:** August 10, 2016 (continued from 07-27-16)

**ZONING DESIGNATION:** SF-1; SF-2; RM-12 and RM-25 Zone Districts

**AUTHOR:** Lesley Burns, City Planner

**APPLICABLE ORDINANCE (S):** 17-7-1; 17-7-2; 17-7-3; 17-7-4

**AGENDA #:** 2

**SUMMARY:**

On July 27, 2016, the Planning Commission conducted a public hearing and discussed this proposed text amendment. There were not any major concerns with the proposed clarifying language; however, the Planning Commission requested a few additional modifications. These changes have been incorporated into Attachment A and include:

- Added language to clarify what is meant by RVs and trailers being located a minimum of five feet behind a sidewalk. After speaking with the City’s Code Enforcement Officers, they enforce all parts of an RV or trailer to be at least five feet behind the sidewalk, including hitches. The following language has been added to the storage of RVs and trailers in all four zone chapters: “No portion of the RV or trailer, or anything attached to the RV or trailer, shall extend closer than five feet to the sidewalk. This includes, but is not limited to, hitches.”
- The parking tables in the SF-1 and SF-2 chapters have been amended to eliminate the inconsistent wording for single family and duplexes.
- Language has been added to the RM-12 and RM-25 chapters to specify the parking standard noted in Subsection A of 17-7-3.7 is for “single family and duplex” residential lots.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission considers the changes made to the proposed amendment. The Planning Commission can recommend the amendment as proposed, make

specific changes to the language proposed, or recommend no changes be made to the current ordinance.

**RECOMMENDED MOTIONS:**

*“I move that we forward a recommendation to the City Council to:*

Option 1: *clarify the parking and landscape requirements for single family and duplex lots in the SF-1, SF-2, RM-12 and RM-25 zone districts as proposed in revised Attachment A.”*

Option 2: *clarify the parking and landscape requirements for single family and duplex lots in the SF-1, SF-2, RM-12 and RM-25 zone districts as proposed in revised Attachment A, but with the following changes:*

1. . . .
2. . . .”

Option 3: *make no changes to the existing ordinance with regard to parking and landscaping requirements for single family and duplex lots.”*

**ATTACHMENTS:**

- Revised Attachment A – proposed text amendment

**PUBLIC NOTICE:**  No  Yes



# ATTACHMENT A

## SF-1, SF-2, RM-12 and RM-25 Zone Districts – Clarification for Parking and Landscaping Requirements for Single Family and Duplex Lots

Text Additions  
~~Text Deletions~~

### Chapter 17-7-1 SINGLE FAMILY RESIDENTIAL ZONE (SF-1)

#### 17-7-1.4 Development standards.

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

- E. ~~Parking/Driveway Access.~~ Each lot shall provide two parking spaces in accordance with Section 17-7-1.8 A. ~~a garage or the side or rear yard of the property. The driveway shall have a maximum paved width of twenty feet, or forty percent of the lot frontage, whichever is greater. The driveway may extend an additional ten feet in width behind the sidewalk.~~
- F. ~~Landscaping.~~ Each lot shall be landscaped in accordance with Section 17-7-1.7 A.
- FG. ~~Utilities.~~ Each dwelling must be serviced by a public water and sewer system.

#### 17-7-1.8 Parking.

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- A. All residential lots shall provide a minimum of two improved off-street parking spaces for personal automobiles in a driveway, garage or carport, or in the side or rear yard. ~~The driveway shall be paved with concrete or asphalt and shall have a maximum width of twenty feet, or forty percent of the lot frontage, whichever is greater. This measurement shall be taken at the drive approach and sidewalk. The paved driveway may extend an additional ten feet in width behind the sidewalk. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. Landscaping areas in front of the dwelling space in excess of the permitted driveway width shall not be surfaced for parking.~~
- B. Storage of individual recreational vehicles (RVs), travel trailers, boat trailers and utility trailers shall occur in an improved off-street location a minimum of five feet behind the sidewalk. ~~No portion of the RV or trailer, or~~

anything attached to the RV or trailer, shall extend closer than five feet to the sidewalk. This includes, but is not limited to, hitches. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. ~~Landscaped areas in front of the dwelling space shall not be surfaced for parking.~~

C. An applicant for new development shall propose on-site parking as follows:

**Table 17-7-1.8**

**Parking**

Uses	Parking Requirement
Accessory Apartment	1 space
Accessory Structure— Occupied	1 space in addition to requirements for primary structure
Child Care Facility/Center	1 space per on-duty employee and 1 per 6 children
Group Home	The greater of: 1 space per 2 bedrooms plus 1 space per employee per shift, or 2 per 3 employees per shift
Master Planned Development	As determined by planning commission, based on the proposed uses and the potential for shared parking
Neighborhood Commercial	2 spaces per 1,000 s.f. of leasable area
Public and Quasi-Public Institution, Church and School; Public Utility; Municipal Facility	The greater of: 1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 s.f.
Single Family/Duplex	2 spaces per dwelling unit <del>(may be comprised of pavers or gravel)</del>

**Chapter 17-7-2**  
**SINGLE FAMILY RESIDENTIAL ZONE (SF-2)**

**17-7-2.4 Development standards.**

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

- E. **Parking/Driveway Access.** Each lot shall provide two parking spaces in accordance with Section 17-7-2.8 A. ~~a garage or the side or rear yard of the property. The driveway shall have a maximum paved width of twenty feet, or forty percent of the lot frontage, whichever is greater. The driveway may extend an additional ten feet in width behind the sidewalk.~~
- F. **Landscaping.** Each lot shall be landscaped in accordance with Section 17-7-2.7 A.
- FG. **Utilities.** Each dwelling must be serviced by a public water and sewer system.

**17-7-2.8 Parking.**

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- A. All residential lots shall provide a minimum of two improved off-street parking spaces for personal automobiles in a driveway, garage or carport, or in the side or rear yard. ~~The driveway shall be paved with concrete or asphalt and shall have a maximum width of twenty feet, or forty percent of the lot frontage, whichever is greater. This measurement shall be taken at the drive approach and sidewalk. The paved driveway may extend an additional ten feet in width behind the sidewalk. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. Landscaping areas in front of the dwelling space in excess of the permitted driveway width shall not be surfaced for parking.~~
- B. Storage of individual recreational vehicles (RVs), travel trailers, boat trailers and utility trailers shall occur in an improved off-street location a minimum of five feet behind the sidewalk. ~~No portion of the RV or trailer, or anything attached to the RV or trailer, shall extend closer than five feet to the sidewalk. This includes, but is not limited to, hitches. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. Landscaped areas in front of the dwelling space shall not be surfaced for parking.~~



C. An applicant for new development shall propose on-site parking as follows:

**Table 17-7-2.8**

**Parking**

<b>Uses</b>	<b>Parking Requirement</b>
Accessory Apartment	1 space
Accessory Structure— Occupied	1 space in addition to requirements for primary structure
Child Care Facility/Center	1 space per on-duty employee and 1 per 6 children
Group Home	The greater of: 1 space per 2 bedrooms plus 1 space per employee per shift, or 2 per 3 employees per shift
Master Planned Development	As determined by planning commission, based on the proposed uses and the potential for shared parking
Neighborhood Commercial	2 spaces per 1,000 s.f. of leasable area
Public and Quasi-Public Institution, Church and School; Public Utility; Municipal Facility	The greater of: 1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 s.f.
Single Family/Duplex	2 spaces per dwelling unit ( <del>may be comprised of pavers or gravel</del> )

**Chapter 17-7-3**  
**MULTIFAMILY RESIDENTIAL—MEDIUM DENSITY ZONE (RM-12)**

**17-7-3.7 Parking.**

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A. All single family and duplex residential lots shall provide a minimum of two improved off-street parking spaces for personal automobiles in a driveway, garage or carport, or in the side or rear yard. The driveway shall be paved with concrete or asphalt and shall have a maximum width of twenty feet, or forty percent of the lot frontage, whichever is greater. This measurement shall be taken at the drive approach and sidewalk. The paved driveway may extend an additional ten feet in width behind the sidewalk. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. ~~Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. Landscaping areas in front of the dwelling space in excess of the permitted driveway width shall not be surfaced for parking.~~

B. Storage of individual recreational vehicles (RVs), travel trailers, boat trailers and utility trailers shall occur in an improved off-street location a minimum of five feet behind the sidewalk. No portion of the RV or trailer, or anything attached to the RV or trailer, shall extend closer than five feet to the sidewalk. This includes, but is not limited to, hitches. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. ~~Landscaped areas in front of the dwelling space shall not be surfaced for parking.~~

**Chapter 17-7-4**  
**MULTIFAMILY RESIDENTIAL—MEDIUM TO HIGH DENSITY ZONE (RM-25)**

**17-7-4.7 Parking.**

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A. All single family and duplex residential lots shall provide a minimum of two improved off-street parking spaces for personal automobiles in a driveway, garage or carport, or in the side or rear yard. The driveway shall be paved with concrete or asphalt and shall have a maximum width of twenty feet, or forty percent of the lot frontage, whichever is greater. This measurement shall be taken at the drive approach and sidewalk. The paved driveway may extend an additional ten feet in width behind the sidewalk. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. ~~Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. Landscaping areas in front of the dwelling space in excess of the permitted driveway width shall not be surfaced for parking.~~

B. Storage of individual recreational vehicles (RVs), travel trailers, boat trailers and utility trailers shall occur in an improved off-street location a minimum of five feet behind the sidewalk. No portion of the RV or trailer, or anything attached to the RV or trailer, shall extend closer than five feet to the sidewalk. This includes, but is not limited to, hitches. Parking in the side or rear yard shall be improved with concrete, asphalt, concrete pavers or gravel. Parking areas surfaced with either concrete pavers or gravel must be maintained to ensure that no weeds grow in these areas. With the exception of the driveway and approved side yard parking, no other portion of the front or side yards shall be surfaced or used for parking. At no time shall parking occur on any landscaped area. ~~Landscaped areas in front of the dwelling space shall not be surfaced for parking.~~



## **Memorandum**

Date: August 4, 2016  
To: Planning Commissioners  
From: Lesley Burns, City Planner  
Subject: Planning Commission Bylaws Review

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The Planning Commission Bylaws and Rules of Procedure document is required to be reviewed annually. The Planning Commission last reviewed this document in March and April of 2015. At that time, the Planning Commission adopted a few changes. These are noted in the table on the last page of the document.

This is an opportunity for the Planning Commission to review the document and discuss if any changes are needed.



**MIDVALE**

**Midvale City**  
**Planning Commission**  
**Bylaws & Rules of Procedure**

Adopted July 11, 2001  
Amended July 11, 2007  
Amended July 9, 2008  
Amended February 8, 2012  
Amended June 25, 2014  
Amended April 8, 2015

# **MIDVALE CITY PLANNING COMMISSION BYLAWS AND RULES OF PROCEDURE**

## **SECTION 1. GENERAL PROVISIONS**

- 1.1 State Statutes

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- 2.1 Membership, Appointment, Compensation, Rights & Attendance
- 2.2 Cause for Dismissal of Members

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## **SECTION 4. ORGANIZATION**

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## **SECTION 5. MEETINGS**

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- 5.4 Notice Requirements
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- 5.6 Rules and Order of Business for Regular, Special and Workshop Meetings
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- 6.1 Making Motions

## **SECTION 7. VOTING**

## **SECTION 8. AMENDMENTS**

# MIDVALE CITY PLANNING COMMISSION BYLAWS AND RULES OF PROCEDURE

## SECTION 1. GENERAL PROVISIONS

### 1.1 State Statute (10-9a-301 and 10-9a-302)

#### A. Ordinance Establishing Planning Commission; Ordinance Requirements; Compensation.

(1) (a) Each municipality shall enact an ordinance establishing a planning commission.

(b) The ordinance shall define:

- (i) the number and terms of the members and, if the municipality chooses, alternate members;
- (ii) the mode of appointment;
- (iii) the procedures for filling vacancies and removal from office;
- (iv) the authority of the planning commission;
- (v) subject to Subsection (1)(c), the rules of order and procedure for use by the planning commission in a public meeting; and
- (vi) other details relating to the organization and procedures of the planning commission.

(c) Subsection (1)(b)(v) does not affect the planning commission's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

(2) The legislative body may fix per diem compensation for the members of the planning commission, based on necessary and reasonable expenses and on meetings actually attended.

#### B. Planning Commission Powers and Duties. The planning commission shall make recommendations to the legislative body for:

- (1) a general plan and amendments to the general plan;
- (2) land use ordinances, zoning maps, official maps, and amendments;
- (3) an appropriate delegation of power to at least one designated land use authority to hear and act on land use applications;
- (4) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and
- (5) application processes that:
  - (a) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and
  - (b) shall protect the right of each:
    - (i) applicant and third party to require formal consideration of any application by a land use authority;
    - (ii) applicant, adversely affected party, or municipal officer or employee to appeal a land use authority's decision to a separate appeal authority; and
    - (iii) participant to be heard in each public hearing on a contested application.



## SECTION 2. APPOINTMENT AND TERMS OF MEMBERS

### 2.1 Membership, Appointment, Compensation, Rights & Attendance

A. Membership. *The Planning Commission (hereinafter “Commission”) shall be comprised of five Members and two Alternate Members. These Members shall be appointed by the Mayor with the advice and consent of the City Council from among people residing in Midvale. In so far as possible, efforts shall be made to appoint Members from each of the five council districts with equal consideration to include various professional, neighborhood and community interests representation.*

Member. *A Member with full voting rights on Commission decisions and actions.*

Alternate Member. *A Member intended to temporarily fill in for a Member when the Member is not in attendance. Alternate Members are expected to attend and participate in meetings in the same manner as a Member, with the exception of voting when all Members are present. Alternate Members shall hold a first or second alternate position within the Commission, with the first alternate filling in for the first vacancy.*

B. Appointment. *Members of the Commission shall serve for a term of four years and until a successor is appointed, provided that the term of the first Members shall be such that the terms of one Member shall expire each year. Members may serve a maximum of two consecutive terms. Alternate Members shall serve no more than two consecutive terms, however, an Alternate Member who subsequently becomes a Member shall not be prevented from serving two consecutive terms in that capacity. Vacancies shall be promptly filled for the remainder of the unexpired term. An unexpired term shall not be counted towards the maximum number of terms.*

C. Compensation. *Members of the Commission, to include alternates, may, within budgetary constraints, be paid per diem compensation for necessary and reasonable expenses for each meeting attended; payment to be made quarterly.*

D. Rights.

Explaining the Vote. *After the vote is taken, any Member of the Commission desiring to explain their vote shall be allowed an opportunity to do so.*

Not to Vote Unless Participating in Meeting. *No Member of the Commission shall be permitted to vote on any question unless that Member is present physically or through appropriate electronic communication for the duration of the item, including when the vote is taken and the result announced. Appropriate*

*electronic communication is defined in Chapter 2.36 of the Midvale Municipal Code.*

Resources. *All Commission Members shall have access to the Midvale City Zoning and Subdivision Ordinance and the Midvale City General Plan.*

E. Attendance. *Members of the Commission, including Alternate Members, are expected to attend all meetings of the Commission to the best of their ability. In the case of an anticipated absence from a meeting, the Commission Member shall advise the City Planner or Chair. A leave of absence for an extended period of time may be granted by the consent of a majority of the Commission.*

## **2.2 Cause for Dismissal of Members**

*An appointed Member may be dismissed from the Commission by action of the Mayor and City Council for cause regarding the following:*

- *Absence from three consecutive regular meetings or four regular meetings within a calendar year without being excused by the City Planner or Chair;*
- *Conduct deemed to be egregiously insulting or offensive to the public, City Officials or Commission Members;*
- *Malfeasance in office or other illegal activities; or*
- *Conduct in violation of the Midvale City Planning Commission Bylaws.*

## **SECTION 3. CONDUCT OF COMMISSION MEMBERS**

### **3.1 Conflict of Interest**

*All Commission Members shall abide by Midvale City's conflict of interest provisions found in Chapter 2.16 of the Municipal Code. A conflict of interest is defined as gaining a private benefit either directly or indirectly, or material personal gain or advantage to relatives, friends or groups and associations which hold some share of a person's loyalty. Mere membership itself, in a group or organization, shall not be considered a conflict of interest as to commission action concerning such group or association unless it is concluded that such membership in itself would prevent an objective consideration of the matter.*

*A Commission Member may declare a conflict of interest from specific agenda items. Members of the Commission who feel they or any other member of the Commission may have an actual, apparent, or reasonably foreseeable conflict of interest on any matter that is on the Commission agenda shall explain the apparent conflict to the Commission. The Commission may then vote to decide whether the requested disqualification is justified. After a conflict of interest is determined, a Commission Member shall leave the room for that item and not participate in the discussion and vote on that matter, nor*

*attempt to use their influence with other Commissioners either before, during or after the meeting.*

### **3.2 Personal Bias**

*Commissioners should at all times avoid stating personal biases and preferences as justification for conditions imposed. Conditions of approval shall be related to a legitimate governmental purpose as outlined in the Zoning Ordinance of Midvale City.*

### **3.3 Disclosure Required**

*Every Commission Member, who is an officer, director, agent, employer, or employee of any business entity or the owner of a substantial interest in any business entity subject to Midvale City regulation, shall disclose any such position or employment and the nature and value of such position or employment. This disclosure shall be made in a sworn written statement on a form provided by the City Recorder within 30 days after appointment, and again during January of each year if any changes have occurred since the previous disclosure. Disclosure statements are considered public records and shall be made available for inspection by members of the City Council and the public upon request.*

## **SECTION 4. ORGANIZATION**

### **4.1 Chair, Vice Chair and Chair Pro-Temp**

*The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair. The Chair shall preside at all meetings of the Commission and shall provide general direction. No Member shall serve as Chair for more than two consecutive years. In the absence of the Chair, the Vice Chair shall preside over the meeting. In the absence of the Chair and the Vice Chair, a Member by a majority vote of the Commission Members present shall serve as Chair Pro-Temp. The Chair Pro-Temp shall perform all of the duties of the Chair for that particular meeting only.*

### **4.2 Duties of the Chair**

- 1. To call the Commission to order on the day and the hour scheduled and proceed with the order of business.*
- 2. To announce the business before the Commission in the order in which it is to be acted upon.*
- 3. To receive and submit in the proper manner, all motions and propositions presented by the members of the Commission.*
- 4. To put to vote all questions which are properly moved, or necessarily arise in the course of proceedings, and to announce the results of the motions.*

5. *To inform the Commission, when necessary, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon legal counsel for advice.*
6. *To move the agenda along, hold down redundancy by limiting time allowed for comments if necessary, set guidelines for public input, and reference handouts and procedures during meetings.*
7. *To recognize speakers and commissioners prior to receiving comments and presentations.*
8. *To maintain order at the meetings of the Commission.*
9. *To authenticate by signature, when necessary, or when directed by the Commission, all of the acts, findings and orders, and proceedings of the Commission, including subdivision plats following approval by the City Council.*

#### **4.3 Duties of the Vice Chair**

*The Vice Chair shall perform all of the duties of the Chair in his/her absence.*

#### **4.4 Duties of the Chair Pro-Temp**

*The Chair Pro-Temp shall perform all of the duties of the Chair in the absence of the Chair and Vice Chair for that particular meeting only.*

#### **4.5 Secretary**

*The Community Development Department staff (hereinafter "staff") shall serve as secretary of the Commission. The secretary shall assure the construction and maintenance of the public record; record the proceedings of all hearings and meetings; prepare the minutes of the Commission; sign all documents of the Commission; perform other duties as specified by the Commission.*

### **SECTION 5. MEETINGS**

#### **5.1 Open and Public Meetings Act**

*All meetings shall comply with Utah Code Title 52, Chapter 4 regarding rules and procedures for open and public meetings. All Commissioners must annually attend a training session regarding open and public meetings.*

#### **5.2 Location**

*All meetings of the Commission shall be held in the Midvale City Hall Council Chambers, located at 7505 South Holden Street, Midvale City, Utah or at such other place as the Commission or Planning Staff may designate. A meeting having convened*

*at the place designated, may be reconvened by the Commission to any other place within Midvale City for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place, or may be adjourned to any other room more convenient for conducting the business of the Commission, so long as proper notice of meeting location is posted for the general public.*

### **5.3 Types of Meetings**

A. Regular Meetings. *A regular meeting is a meeting where business of the Commission is conducted. Regular meetings of the Commission shall be held on the second and fourth Wednesdays of each month at 7:00 p.m. with a workshop meeting beginning no earlier than 6:00 p.m., unless otherwise noticed. A regular meeting is open to the public; proceedings shall be recorded and minutes shall be taken.*

B. Workshop Meetings. *A workshop meeting is a meeting where the Commission can discuss issues. This is a work meeting only and no decisions shall be made regarding any item or issue. The workshop meeting is open to the public, however, no public comments will be taken. Proceedings of this meeting shall be recorded and minutes shall be taken.*

C. Special Meetings. *A special meeting is a meeting where business of the Commission can be conducted outside the regular meetings. The secretary shall give notice of the time and purpose of the meeting of the Commission at least 24 hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally, electronically, or by telephone. Special meetings are open to the public; proceedings shall be recorded and minutes shall be taken.*

D. Closed Meetings. *Closed meetings of the Commission may be held as part of a regular meeting or as part of a special meeting to discuss matters of a confidential nature. The Commission must have a roll call vote to enter into and out of a closed meeting. The closed meeting is not open to the public. Proceedings of this meeting must be recorded. Closed meetings must strictly comply with Utah Code Title 52, Chapter 4, Sections 204-206.*

E. Field Trips. *On occasions when site inspections are deemed advisable, field trips shall be held prior to the Commission meetings, the time of the field trip shall be posted on the agenda. Only Commission Members and pertinent staff shall be allowed to attend the field trip in a City-owned vehicle. The public shall be allowed at the sites of the field trip but are encouraged to present their case at the Commission meeting, not during the field trip. Field trips shall be for the purpose of gathering information, not for discussing decisions.*



## 5.4 Notice Requirements

*Staff shall cause notice for all public hearings which shall contain a description of the property, with a brief explanation of the proposed use, and the date, place and time of the public hearing, which notice shall be:*

1. *Posted in at least three (3) public places in the City, one of which shall include the subject property for annexation, rezone and subdivision applications. Other types of applications shall be posted in at least two public places in the City;*
2. *Published in a newspaper of general circulation within the City at least fourteen (14) days before the date of the Commission hearing;*
3. *Sent approximately one week prior to the meeting by first class mail to all owners of property within three hundred feet (300') of the subject property. These are owners of record as recorded in the Salt Lake County Recorder's Office; and*
4. *Each municipality or Salt Lake County if the subject property is within one (1) mile of an adjacent boundary line.*

## 5.5 Quorum and Voting Requirements

A. Quorum. *Three members of the Commission shall constitute a quorum. An Alternate Member may be counted as part of the membership for a quorum. A majority of the voting members present at a meeting at which a quorum is present shall be required for any action, however, no less than three yes votes are required for passage of any action. The Chair shall vote only to break a tie or to form a quorum.*

B. Quorum Required to Hold Meeting and Vote. *A quorum of the Commission is required to hold a Commission meeting and vote on individual items. If a quorum is not present, the meeting or item shall be rescheduled as soon as possible, subject to a quorum of members' availability and compliance with notice requirements.*

## 5.6 Rules and Order of Business for Regular, Special and Workshop Meetings

A. Order of Business. *The order of business shall be as follows:*

1. *Workshop meeting.*
2. *Call meeting to order.*
3. *Pledge of Allegiance.*
4. *Roll call.*
5. *Discussion of meeting format.*
6. *Consideration of agenda items.*
7. *Approval of previous meeting minutes.*
8. *Other business as necessary.*

9. *Adjourn.*

*The Commission may amend the order of the agenda if deemed appropriate with the unanimous consent of the Commission. No new item will be heard after 10:30 p.m. without the consent of two-thirds of the entire Commission (Alternates included) present. Items not heard will be scheduled on the next agenda.*

B. Agenda for Meetings. *Staff shall prepare a written agenda for each meeting at least five (5) days prior to the scheduled meeting and cause the delivery of said agenda and corresponding staff reports to each member of the Commission via hand delivery, mail, email or fax.*

C. Staff Reports. *All major issues presented to the Commission for its consideration shall be accompanied by a staff report detailing the overview, background, analysis and staff recommendation(s) which shall include findings of fact and conditions of approval. Staff reports shall address the portion of the Zoning Ordinance affected by the petitioner's request and how it fits within the guidelines of the ordinance and the applicable General Plan. Staff reports shall be as concise as possible while allowing for adequate coverage of the subject matter. Said reports shall be made available to anyone requesting a copy.*

**5.7 Order of Business for Individual Agenda Items**

A. Public Hearing. *The order of business for public hearings shall be as follows:*

1. *Introduction of item by Chair.*
2. *Presentation by staff.*
3. *Presentation by the applicant.*
4. *Open public hearing by Commission motion.*
5. *Testimony by proponents and opponents of the request.*
6. *Concluding comments of the applicant.*
7. *Concluding comments of staff.*
8. *Close public hearing by Commission motion.*
9. *Commission discussion.*
10. *Chair asks for Commission action.*
11. *Motion for action made pursuant to Section 6 herein.*
12. *Vote taken pursuant to Section 7 herein.*
13. *Decision announced by Chair.*

B. Other Items. *The order of business for other items shall be as follows:*

1. *Introduction of item by Chair.*
2. *Presentation by staff.*
3. *Presentation by the applicant.*

4. *Commission discussion.*
5. *Chair asks for Commission action, if required.*
6. *Motion for action made pursuant to Section 6 herein, if required.*
7. *Vote taken pursuant to Section 7 herein, if required.*
8. *Decision announced by Chair, if required.*

## **SECTION 6. MOTIONS**

### **6.1 Making Motions**

A. Making Motions. *Any Member, but the Chair or an Alternate Member, except when the Alternate Member is filling in for an absent Member, may make or second a motion.*

B. Second Required. *Each motion of the Commission must be seconded with the exception of motions to amend a motion and motions to adjourn the Commission meeting.*

C. Motions. *Motions should state findings at the beginning of the motion followed by the recommendation to the appropriate body, if any, and should be concluded with the conditions of approval. The motion may refer to the staff report for the detail of the findings of fact and conditions for approval if the author of the motion finds them acceptable. The staff summary should be sufficient in detail to assist the Commission in stating findings.*

D. Repeat of Motion. *Motions may be repeated for clarification following discussion and prior to the vote at the request of any Commissioner.*

E. Legal Advice. *Commissioners may request legal advice from the City Attorney in the preparation, discussion and deliberation of motions.*

F. Withdrawing a Motion. *After a motion is stated, the motion shall be in the possession of the Commission but may be withdrawn by the author of the motion prior to the vote. Withdrawal of a second is not necessary.*

G. Motion to Table or Continue. *A motion to table or continue an agenda item for further study should be accompanied by specific reasons for continuing the matter, and, whenever possible, a specific date to rehear the matter should be made known to those at the meeting.*

H. Amending Motions. *When a motion is pending before the Commission, any member may suggest an amendment without a second, at any time prior to the Chair putting the motion to a vote. The amendment must be accepted by the author and the second of the motion in order for it to amend the stated motion. The author and the second may choose not to accept the amendment.*

I. Amending Amendments to Motions. *An amendment to a motion may be amended, no second required, at any time prior to the Chair putting the motion to a vote. The amendment to the amendment must be accepted by the author and the second of the motion in order for it to amend the stated motion. The author and the second may choose not to accept the additional amendment.*

J. Substitute Motions. *A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion.*

K. To Reconsider a Motion. *To recall a previous motion for further evaluation and/or action, a motion for reconsideration may be made by a Commissioner who voted with the majority. The motion to reconsider must pass with a majority vote. If the former motion is to be amended or made void, the new motion shall be put to a formal vote of the Commission. Motions to reconsider a previous motion must take place during the same meeting the motion was made or when the minutes containing that particular item are approved.*

L. Motion to Open and Close Public Hearings. *A motion shall be made to open and close the public portion of each public hearing prior to Commission discussion and vote on the matter.*

M. Motion to Recess. *A motion shall be made to break for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the motion to recess was made.*

N. Motion to Adjourn. *A motion to adjourn the meeting shall be made at the end of each Commission meeting with a consensus of the Commission. No second is required to the motion to adjourn.*

## **SECTION 7. VOTING**

A. Roll Call Vote. *A roll call vote shall be taken on all actions by the Commission, with the following exceptions:*

1. *Opening and closing public hearings.*
2. *Recessing a meeting.*
3. *Approval of meeting minutes.*
4. *Adjourning meeting.*

B. Changing a Vote. *No member shall be permitted to change their vote after the decision is announced by the Chair.*

C. Abstention. Any member abstaining from a vote may remain seated and participate in the discussion. Reasons for abstention must be stated at the time of the abstention and such reason shall not be considered a conflict of interest.

**SECTION 8. AMENDMENTS**

A. Amending By-Laws. These By-Laws may be amended by a majority vote of the Commission except where such amendment would be contrary to the requirements or limitations set forth by State Law or City Ordinance. An amendment may be proposed at any regular meeting of the Commission. Members shall receive a copy of the proposed or amended By-Laws not less than five (5) days prior to the meeting at which said proposed changes shall be heard.

B. Annual Review. There shall be an annual review of these By-Laws, typically during January of each year.

Originally adopted July 11, 2001.

**Amendments and Reviews:**

Date	Action
July 11, 2007 Amendments adopted	
July 9, 2008 Amendments adopted	Addition of Pledge of Allegiance (Section 4.6); authorizing chair to sign subdivision plats after City Council approval (Section 3.2)
Nov 2011-Jan 2012 Review of Bylaws	Discussion
February 8, 2012 Amendments adopted	Updated code and ordinance references and language throughout; modification to order of business to reflect actual (Sections 5.6 and 5.7); language clarification throughout, including input from City Attorney.
Oct. 2013-Feb. 2014 Review of Bylaws	Discussion
June 25, 2014	Clarifying language in 2.1 (E), 5.4 (3), 6.1 (G); update name in 4.5; fix format errors
March 11, 2015	Discussion
April 8, 2015 Amendments adopted	Revised conflict of interest language, updated City Hall address; changed policy regarding items heard after 10 p.m. (Section 5.6 A)