



7505 South Holden Street
Midvale, Utah 84047
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www.MidvaleCity.org

Midvale Planning and Zoning Commission

Special Meeting Agenda

June 23, 2021
6:00 p.m.

This meeting will be broadcast at the following link: www.MidvaleCity.org/YouTube. All meeting attendees are encouraged to follow CDC guidelines to ensure a safe meeting environment.

Pledge of Allegiance

Roll Call

Minutes

1. Review and Approve Minutes of June 9, 2021.

Public Hearing

2. TXT-21-06; Zoning Ordinance Text Amendment; Citywide; Text Amendment Modifying Public Notice Requirements in Chapter 17-3 of the Midvale City Municipal Code; Midvale City (Applicant); Alex Murphy, Planning Director (Staff).
3. TXT-21-07; Zoning Ordinance Text Amendment; Jordan Bluffs Subareas 1-3 Development Zone; Text Amendment Modifying Certain Development Review Procedures in the Jordan Bluffs Subareas 1-3 Development Zone; Midvale City (Applicant); Alex Murphy, Planning Director (Staff).

Staff Update

4. Upcoming Meetings and Projects.

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 provided to the news media by email; the agenda was posted in the City Hall Lobby, the 2nd Floor City Hall Lobby, on the City's website at www.MidvaleCity.org 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.

Alex Murphy, Planning Director

Dated this 17th Day of June 2021

Midvale City
Department of Community Development
Planning and Zoning

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| Planning and Zoning Commission Staff Report |
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|---------------------------------|---|
| APPLICATION: | Zoning Ordinance Text Amendment – Public Notice Requirements |
| LOCATION: | Citywide |
| APPLICANT: | City Staff |
| FILE #: | TXT-21-06 |
| REQUEST: | Text Amendment |
| MEETING DATE: | June 23, 2021 |
| AUTHOR: | Alex Murphy, Planning Director |
| APPLICABLE ORDINANCE(S): | Midvale City Municipal Code Chapter 17-3 |
| AGENDA #: | 2 |

SUMMARY:

Earlier this year, the Utah State Legislature adopted changes to state code that affect noticing requirements for land use regulations. As Staff reviewed the changes in state code, it became apparent that the notice requirements in the City’s zoning ordinance are out of date and need updating. This text amendment modifies noticing requirements in Chapter 17-3 to match or exceed current state code requirements.

General changes to the noticing requirements include removing outdated language and references, adding definitions, and removing newspaper notice requirements. The proposed divides notice requirements by topic and defines who receives notice for each topic. The topics included are:

- Intent to Prepare General Plan or General Plan Amendment
- Public Hearings to Adopt or Modify the General Plan or Land Use Regulation
- Public Hearings to Adopt or Modify the Zoning Map
- Public Hearings to Consider a Subdivision Amendment or a Petition to Vacate a Public Street
- Public Hearings to Consider All Other Topics
- Public Meetings

These topics address all the various applications reviewed by the City’s Planning and Zoning Division. The table below provides a summary of the notices issued by application type and compares the changes to existing language.

Table 1: Notice Comparison

| Notice Type | Current Requirements* | Proposed Requirements** |
|--|---|---|
| Intent to Prepare General Plan Amendment | <ul style="list-style-type: none"> • Not listed | <ul style="list-style-type: none"> • Mailed to each affected entity; • Mailed to the Utah Geospatial Resource Center; • Mailed to the association of governments of which the city is a member; • Posted on the Utah Public Notice Website; and • Posted on the city's website. |
| Public Hearing to Adopt or Modify General Plan or Zoning Ordinance (text amendment) | <ul style="list-style-type: none"> • Published in the newspaper; • <i>Mailed to each affected entity;</i> • <i>Posted on the Utah Public Notice Website; and</i> • <i>Posted on the city's website.</i> | <ul style="list-style-type: none"> • Mailed to each affected entity; • Posted on the Utah Public Notice Website; and • Posted on the city's website. |
| Public Hearing to Adopt or Modify the Zoning Map (rezone) | <ul style="list-style-type: none"> • Published in the newspaper; • Mailed to property owners within 300' • Mailed to each affected entity; • Posted on the property in a manner that is calculated to alert the public; • <i>Posted on the Utah Public Notice Website; and</i> • <i>Posted on the city's website.</i> | <ul style="list-style-type: none"> • Posted on the Utah Public Notice Website; • Posted on the city's website; • Mailed to the record owner of each parcel located entirely or partially within a zoning map enactment or modification; • <u>Mailed to the record owner of each parcel within 500' of the zoning map modification including in adjacent jurisdictions; and</u> • <u>Posted on the property in a manner that is calculated to alert the public.</u> |
| Public Hearing to Consider a Subdivision Amendment or Petition to Vacate a Public Street | <ul style="list-style-type: none"> • Published in the newspaper; • Mailed to property owners within 300' • Posted on the property in a manner that is calculated to alert the public; • <i>Posted on the Utah Public Notice Website; and</i> • <i>Posted on the city's website.</i> | <ul style="list-style-type: none"> • Posted on the Utah Public Notice Website; • Posted on the city's website; • Mailed to each affected entity; • Mailed to the record owner of each parcel within 500' of the subject street, right of way, or easement; • Mailed to the record owner of each parcel located entirely or partially within the subdivision being amended or that is accessed by the |

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| | | subject street, right of way, or easement; and |
| | | <ul style="list-style-type: none"> • <u>Posted the property in a manner that is calculated to alert the public.</u> |
| Public Hearing to Consider a Variance Request | <ul style="list-style-type: none"> • Mailed to property owners within 300' • Posted on the property in a manner that is calculated to alert the public; • <i>Posted on the Utah Public Notice Website; and</i> • <i>Posted on the city's website.</i> | <ul style="list-style-type: none"> • Posted on the Utah Public Notice Website; • Posted on the city's website; • <u>Mailed to the record owner of each parcel within 500' of the subject property; and</u> • <u>Posted the property in a manner that is calculated to alert the public.</u> |
| Public Hearings to Consider All Other Topics (conditional use permit, new subdivision, master planned development, etc.) | <ul style="list-style-type: none"> • Published in the newspaper; • Mailed to property owners within 300' • Posted on the property in a manner that is calculated to alert the public (subdivision and master planned development only); • <i>Posted on the Utah Public Notice Website; and</i> • <i>Posted on the city's website.</i> | <ul style="list-style-type: none"> • Posted on the Utah Public Notice Website; • Posted on the city's website; • <u>Mailed to the record owner of each parcel within 500' of the subject property; and</u> • <u>Posted the property in a manner that is calculated to alert the public.</u> |
| Public Meetings (agendas) | <ul style="list-style-type: none"> • <i>Posted on the Utah Public Notice Website;</i> • <i>Posted on the city's website; and</i> • <i>Posted in two locations within City Hall.</i> | <ul style="list-style-type: none"> • Posted on the Utah Public Notice Website and • Posted on the city's website. |

* Italicized requirements not listed in city code.

** Underlined items not required by state code.

The proposed amendment also includes clarifications to the purpose of notice section and variance processes. Under the purpose of notice section, the changes address public notice issues by allowing the reviewing body (Planning Commission or City Council) to consider challenges to notice. Previously, the code only allowed the Planning Commission to consider challenges to notice, which did not address issues with noticing for City Council meetings. The variance process has been updated to provide a public hearing, bringing the process in line with other, similar review types (conditional use permits, subdivisions, etc.)

All the proposed changes are intended to update noticing standards to match state code, respond to complaints with noticing, and clarify outdated language.

STAFF RECOMMENDATION:

Staff recommends forwarding a positive recommendation to the City Council to adopt the proposed text amendment modifying public notice requirements in the City's zoning ordinance.

RECOMMENDED MOTIONS:**Motion #1 – Recommend Approval**

"I move that we forward a recommendation to the City Council to adopt the proposed text amendment to modify public notice requirements in the City's zoning ordinance."

Motion #2 – Recommend Approval with Changes

"I move that we forward a recommendation to the City Council to adopt the proposed text amendment to modify public notice requirements in the City's zoning ordinance with the following amendments:

1. ...
2. ... "

Motion #3 – Table

"I move that we table a decision on this proposed text amendment to address the following questions/comments:

1. ...
2. ... "

ATTACHMENTS:

- Proposed Text Amendment

PUBLIC NOTICE: ☐ No ☒ Yes

Chapter 17-2 DEFINITIONS

Sections:

- 17-2 Generally.
- 17-2-1 “A” definitions.
- 17-2-2 “B” definitions.
- 17-2-3 “C” definitions.
- 17-2-4 “D” definitions.
- 17-2-5 “E” definitions.
- 17-2-6 “F” definitions.
- 17-2-7 “G” definitions.
- 17-2-8 “H” definitions.
- 17-2-9 “I” definitions.
- 17-2-10 “J” definitions.
- 17-2-11 “K” definitions.
- 17-2-12 “L” definitions.
- 17-2-13 “M” definitions.
- 17-2-14 “N” definitions.
- 17-2-15 “O” definitions.
- 17-2-16 “P” definitions.
- 17-2-17 “Q” definitions.
- 17-2-18 “R” definitions.
- 17-2-19 “S” definitions.
- 17-2-20 “T” definitions.
- 17-2-21 “U” definitions.
- 17-2-22 “V” definitions.
- 17-2-23 “W” definitions.
- 17-2-24 “X” definitions.
- 17-2-25 “Y” definitions.
- 17-2-26 “Z” definitions.

17-2 Generally.

...

“Administrative lot line adjustment” means the relocation of the property line between two adjoining lots with the consent of the owners of record which can be processed by the community and economic development department.

“Affected entity” means the same as that term is defined in Section 10-9a-103 of the Utah Code Annotated, as amended.

“Affordable housing” means a dwelling unit, occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent of the median gross income of Salt Lake County households.

...

17-2-1 “A” definitions.

[No changes in this section.]

17-2-2 “B” definitions.

[No changes in this section.]

17-2-3 “C” definitions.

[No changes in this section.]

17-2-4 “D” definitions.

[No changes in this section.]

17-2-5 “E” definitions.

[No changes in this section.]

17-2-6 “F” definitions.

[No changes in this section.]

17-2-7 “G” definitions.

[No changes in this section.]

17-2-8 “H” definitions.

[No changes in this section.]

17-2-9 “I” definitions.

[No changes in this section.]

17-2-10 “J” definitions.

[No changes in this section.]

17-2-11 “K” definitions.

[No changes in this section.]

17-2-12 “L” definitions.

[No changes in this section.]

17-2-13 “M” definitions.

[No changes in this section.]

17-2-14 “N” definitions.

[No changes in this section.]

17-2-15 “O” definitions.

[No changes in this section.]

17-2-16 “P” definitions.

[No changes in this section.]

17-2-17 “Q” definitions.

[No changes in this section.]

17-2-18 “R” definitions.

[No changes in this section.]

17-2-19 “S” definitions.

[No changes in this section.]

17-2-20 “T” definitions.

[No changes in this section.]

17-2-21 “U” definitions.

[No changes in this section.]

17-2-22 “V” definitions.

[No changes in this section.]

17-2-23 “W” definitions.

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“Water-conserving plant” means a plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

“Water conveyance facility” means the same as that term is defined in Section 10-9a-603 of the Utah Code Annotated, as amended.

“Water conveyance facility owner” means the same as “facility owner” is defined in Section 10-9a-603 of the Utah Code Annotated, as amended.

Wetland, significant. See “Significant wetland.”

...

17-2-24 “X” definitions.

[No changes in this section.]

17-2-25 “Y” definitions.

[No changes in this section.]

17-2-26 “Z” definitions.

[No changes in this section.]

Chapter 17-3 ADMINISTRATION AND ENFORCEMENT

Sections:

- 17-3-1 Amendments to the zoning code or map.
- 17-3-2 Reviewing bodies.
- 17-3-3 Allowed use review.
- 17-3-4 Conditional use review.
- 17-3-5 Large scale master planned development (MPD).
- 17-3-6 Small scale master planned development (MPD).
- 17-3-7 Sign permit review.
- 17-3-8 Telecommunications.
- 17-3-9 Notice.
- 17-3-10 Termination of projects for inaction.
- 17-3-11 Penalties.
- 17-3-12 Licensing.
- 17-3-13 Variance process.
- 17-3-14 Appeals and reconsideration process.
- 17-3-15 Constitutional takings—Review and appeal.
- ~~17-3-16 Notice matrix.~~

17-3-1 Amendments to the zoning code or map.

[No changes in this section.]

17-3-2 Reviewing bodies.

[No changes in this section.]

17-3-3 Allowed use review.

[No changes in this section.]

17-3-4 Conditional use review.

[No changes in this section.]

17-3-5 Large scale master planned development (MPD).

[No changes in this section.]

17-3-6 Small scale master planned development (MPD).

Ordinance 2021-O-XX

Attachment A
17-3: Administration and
Enforcement

[No changes in this section.]

17-3-7 Sign permit review.

[No changes in this section.]

17-3-8 Telecommunications.

[No changes in this section.]

17-3-9 Notice.

The city shall notice all public hearings that are required by this title as described in this Section.

~~A. Public Hearing Requirements. The community and economic development department shall provide reasonable notice of all public hearings, which notice 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 public places in the city, one of which shall include the subject property for annexation, rezone, and subdivision applications. All other 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 days before the date of the planning commission hearing; and~~
- ~~3. Sent by first class mail to all record owners of subject property within three hundred feet of the subject property.~~

~~B. Notice to Nearby Entities. The community and economic development department shall provide notice by first class mail, at least seven days before the date of a “predevelopment activity,” as that term is defined in U.C.A. Section 10-9-103, to:~~

- ~~1. The county, if the county’s unincorporated territory is within one mile of the subject property; and~~
- ~~2. Each municipality within one mile of the property that is involved in the predevelopment activity.~~

A. Intent to Prepare General Plan or General Plan Amendments.

1. Before preparing a proposed general plan or a comprehensive general plan amendment, the city shall provide at least 10 days’ notice of its intent to prepare a proposed general plan or a comprehensive general plan amendment:

- a. To each affected entity;
- b. To the Utah Geospatial Resource Center;
- c. To the association of governments of which the city is a member;
- d. On the Utah Public Notice Website; and
- e. On the city's website.

2. Each notice under this Subsection shall:

- a. Indicate the city intends to prepare a general plan or comprehensive general plan amendment;
- b. Describe or provide a map of the geographic area that will be affected by the general plan or amendment;
- c. Be sent by mail, email, or other effective means;
- d. Invite the affected entities to provide information for the municipality to consider in the process of preparing, adopting, and implementing a general plan or amendment concerning:
 - i. Impacts that the use of land proposed in the proposed general plan or amendment may have; and
 - ii. Uses of land within the municipality that the entity is considering that may conflict with the proposed general plan or amendment; and
- e. Include the city's website address and name and telephone number of a person where more information can be obtained concerning the city's proposed general plan or amendment.

B. Public Hearings to Adopt or Modify the General Plan or Land Use Regulation. The city shall provide at least 10 days' notice of each public hearing to consider modifications to the general plan or land use regulation:

- 1. On the Utah Public Notice Website;
- 2. On the city's website; and
- 3. By mail to each affected entity.

The notice must include the date, time, and place of the public hearing to consider the adoption or any modification of all or any portion of a general plan or land use regulation.

C. Public Hearings to Adopt or Modify the Zoning Map. The city shall provide at least 10 days' notice of each public hearing to consider a modification to the zoning map:

1. On the Utah Public Notice Website;
2. On the city's website;
3. By mail to the record owner of each parcel located entirely or partially within a zoning map enactment or modification;
4. By mail to the record owner of each parcel within 500' of the zoning map modification including in adjacent jurisdictions; and
5. On the property in a manner that is calculated to alert the public.

For a notice required by Subsection C(3), it must:

- a. Identify with specificity each owner of record of real property that will be affected by the proposed zoning map amendment;
- b. State the current zone in which the real property is located;
- c. State the proposed zone for the real property;
- d. Provide information regarding or a reference to the proposed regulations, prohibitions, and permitted uses that the property will be subject to if the zoning map amendment is adopted;
- e. State that the owner 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 first public hearing;
- f. Notify the property owner that each written objection filed with the municipality will be provided to the city council; and
- g. State the location, date, and time of the public hearing.

For a notice required by Subsection C(4), it must:

- a. Identify with specificity the boundaries of the proposed zoning map or map amendment;
- b. State the current zone in which the affected real property is located;
- c. State the proposed zone for the affected real property; and
- d. State the location, date, and time of the public hearing.

D. Public Hearings to Consider a Subdivision Amendment or a Petition to Vacate a Public Street. The city shall provide at least 10 days' notice of each public hearing to consider a subdivision amendment, the closure, vacation (in whole or in part), alteration, or amendment of any public street or easement, including a municipal utility easement, or the dedication of a private street to a public street:

1. On the Utah Public Notice Website;
2. On the city's website;
3. By mail to each affected entity;

4. By mail to the record owner of each parcel within 500' of the subject street, right of way, or easement;
5. By mail to the record owner of each parcel located entirely or partially within the subdivision being amended or that is accessed by the subject street, right of way, or easement; and
6. On the property in a manner that is calculated to alert the public.

The notice must include the date, time, and place of the public hearing to consider a subdivision amendment involving the closure, vacation (in whole or in part), alteration, or amendment of any public street, right of way, or easement, including a municipal utility easement, or the dedication of a private street to a public street. For subdivisions located within 100' of a water conveyance facility, the city must provide notice to the water conveyance facility owner in accordance with Section 10-9a-603 of the Utah Code Annotated, as amended.

E. Public Hearings to Consider All Other Topics. The city shall provide at least 10 days' notice of each public hearing to consider a topic not otherwise listed herein:

1. On the Utah Public Notice Website;
2. On the city's website;
3. By mail to the record owner of each parcel within 500' of the subject property; and
4. On the property in a manner that is calculated to alert the public.

The notice must include the date, time, and place of the public hearing to consider the topic. For subdivisions located within 100' of a water conveyance facility, the city must provide notice to the water conveyance facility owner in accordance with Section 10-9a-603 of the Utah Code Annotated, as amended.

F. Public Meetings for All Other Topics. The city shall provide notice of a public meeting at least 24 hours before the meeting on the Utah Public Notice Website and the city website. The notice shall provide the date, time, place, and agenda of the public meeting.

G. Purpose of Notice. The purpose of the notice is to reasonably inform surrounding property owners and jurisdictions of an application for ~~zoning, multi-family, commercial- or industrial~~ development or a proposed adoption or modification to the general plan, land use regulation, zoning map, or public meeting. No minor omission or defect in the notice ~~or mailing~~ shall be deemed to impair the validity of the proceedings to consider the ~~zoning application item~~. If at or prior to the public hearing an omission or defect in the mailed notice is brought to the attention of the ~~planning commission~~ reviewing body, ~~it-~~ the reviewing body shall determine whether the omission or defect impairs or has impaired a surrounding property owner's ability to participate in the public hearing, ~~upon which finding it~~ If the reviewing body finds that a surrounding property owner's ability to

participate in the public hearing was impaired by an omission or defect in the mailed notice, the reviewing body shall continue the hearing on the application until the next public meeting of the reviewing body for zoning for at least fourteen days. Any omission or defect in the mailed notice that is not brought to the ~~commissions'~~ reviewing body's attention or that the ~~commission-reviewing body~~ finds did not impair a surrounding property owner's ability to participate in the hearing ~~shall may~~ not affect be used to challenge the validity of the ~~zoning~~ proceedings on the issue.

C.H. Effect of Notice. Proof that notice was given pursuant to ~~subsection A of this~~ sSection is prima facie evidence that notice was properly given. If notice given under authority of this ~~s~~Section is not challenged as provided for under state law within thirty days from the date of the hearing for which the challenged notice was given, the notice ~~was is~~ considered adequate and proper.

17-3-10 Termination of projects for inaction.

[No changes in this section.]

17-3-11 Penalties.

[No changes in this section.]

17-3-12 Licensing.

[No changes in this section.]

17-3-13 Variance process.

Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply for a variance from the terms of the zoning ordinance.

A. Variance Criteria....

B. Process. The appeal authority shall review all applications for variance requests according to the following procedure:

1. Variance requests must be submitted to the community ~~and economic~~ development department. The applicant must pay all appropriate fees and must file a complete application, including an explanation of how all variance criteria has been met.
2. Notice/Posting. Upon receipt of a complete application, the community and economic development department shall set a ~~meeting-public hearing~~ date with the appeal

authority and shall provide ~~reasonable~~ notice as provided in Section ~~17-3-16~~17-3-9(E).

3. The appeal authority shall consider the variance application in accordance with Section 17-3-13(A).

...

17-3-14 Appeals and reconsideration process.

[No changes in this section.]

17-3-15 Constitutional takings—Review and appeal.

[No changes in this section.]

~~17-3-16 Notice matrix.~~

| Action | Notice | Notice Type |
|--|--|--|
| Conditional Use Review | To owners within 300 ft., prior to the hearing before the planning commission. | Mailing |
| Zoning and Rezoning | To owners of the property and owners within 300 ft. prior to each hearing before the planning commission and city council. | Posted; published; mailing |
| Zoning Ordinance Amendments | Prior to each hearing before the planning commission and city council. | Published |
| General Plan Amendments | Prior to each hearing before the planning commission and city council. | Published |
| Master Planned Developments | To owners within 300 ft. prior to the hearing before the planning commission. | Posted on property; mailing |
| Variance Requests | To owners within 300 ft. prior to the meeting before the appeal authority. | Posted; mailing |
| Appeals | To all affected parties. | Mailing |
| Lot Line Adjustments: Between two lots without a plat amendment | Need consent letters, as described on the CEDD Application form, from owners involved. If application is turned down, then applicant will be notified of right to appeal to planning commission and of right to file a formal plat amendment application. | - |

| Action | Notice | Notice Type |
|--|--|---|
| Preliminary and Final Subdivision Plat Applications | To owners within 300 ft. prior to the hearing before the planning commission and city council. | Posted; mailing |
| Condominium Applications (Record of Survey Plats) | To owners within 300 ft. prior to the hearing before the planning commission and city council. | Posted; mailing |
| Condominium Plats (Record of Survey) Amendments | To owners within 300 ft. prior to the hearing before the city council. Notice shall include: A statement that anyone objecting to the proposed plat must file a written objection to change within ten days of the date of notice; A statement that if no objection is filed, no public hearing will be held; and The date, time and place of the public hearing if objections are filed. | Posted; mailing |
| Petition with consent of all owners in plat to vacate or change a plat | - | Vacation: published; posted; mailing |
| Petition without consent of all owners to vacate or change a plat; vacating or changing a plat without a petition when written objections are received. | To owners within 300 ft. prior to the hearing before the city council. Notice shall include: A statement that anyone objecting to the proposed plat must file a written objection to change within ten days of the date of notice; A statement that if no objection is filed, no public hearing will be held; and The date, time and place of the public hearing if objections are filed. | Posted; mailing Vacation: published; posted; mailing |
| Termination of Projects | Once to applicant 14 days prior to termination | Mailing |

Midvale City
Department of Community Development
Planning and Zoning

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| Planning and Zoning Commission Staff Report |
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| APPLICATION: | Zoning Ordinance Text Amendment – Development Review Procedures in the Jordan Bluffs Subareas 1-3 Development (JB Sub 1-3) Zone |
| LOCATION: | Jordan Bluffs Subareas 1-3 Development (JB Sub 1-3) Zone |
| APPLICANT: | City Staff |
| FILE #: | TXT-21-07 |
| REQUEST: | Text Amendment |
| MEETING DATE: | June 23, 2021 |
| AUTHOR: | Alex Murphy, Planning Director |
| APPLICABLE ORDINANCE(S): | Midvale City Municipal Code Chapters 17-3-1&17-7-10.12 |
| AGENDA #: | 3 |

SUMMARY:

In 2019 and 2020, the City adopted, and then amended, a zoning ordinance for Subareas 1-3 of the Jordan Bluffs zone. This ordinance established goals for the district, review process requirements, and standards for commercial, residential, and mixed-use development based on a “pod” concept anticipated to guide future development in the area.

As projects have been approved, it has become clear that the strict reliance on pod boundaries to drive review procedures has created challenges. Two recent examples include a sewer vacuum pump station needed to service Wasatch’s Phase 3 project in Subarea 4 and a boat ramp proposal for the Jordan River Parkway Trail. Under the current ordinance, these minor projects would need to be incorporated in a Large Scale Master Plan proposal covering the entire affected pod, adding time and cost to the review process and tying their installation to future development proposals that do not currently exist.

This is an unanticipated impact of the review procedure laid out in the code. To address the issue, Staff is proposing two amendments to Section 17-7-10.12.2 (Development review process.) that would streamline future projects.

The first amendment would provide an alternate review path for municipal facilities¹ under ½ acre in size. These projects would go through the standard permitted use/site plan review process defined in Chapter 17-3 rather than completing the longer Large Scale Master Plan process described in the zone.

¹ “Municipal facilities” means those improved properties owned by the municipality or the public. (§17-2-13)
Common examples include parks, public safety facilities, public utilities, trails, etc.

The second amendment would remove the requirement for all municipal facilities to complete a Development Agreement. This avoids possible scenarios where the City is required by its own ordinances to enter into an agreement with itself.

Neither of these changes are expected to have an impact on the overall development pattern for the zone. Larger municipal facility projects will still be required to complete the Large Scale Master Plan process, allowing their potential impacts to be weighed and addressed.

STAFF RECOMMENDATION:

Staff recommends forwarding a positive recommendation to the City Council to adopt the proposed text amendment modifying development review procedures in the Jordan Bluffs Subareas 1-3 Development Zone.

RECOMMENDED MOTIONS:

Motion #1 – Recommend Approval

“I move that we forward a recommendation to the City Council to adopt the proposed text amendment to modify development standards in the Jordan Bluffs Subareas 1-3 Development Zone.”

Motion #2 – Table

“I move that we table a decision on this proposed text amendment to address the following questions/comments:

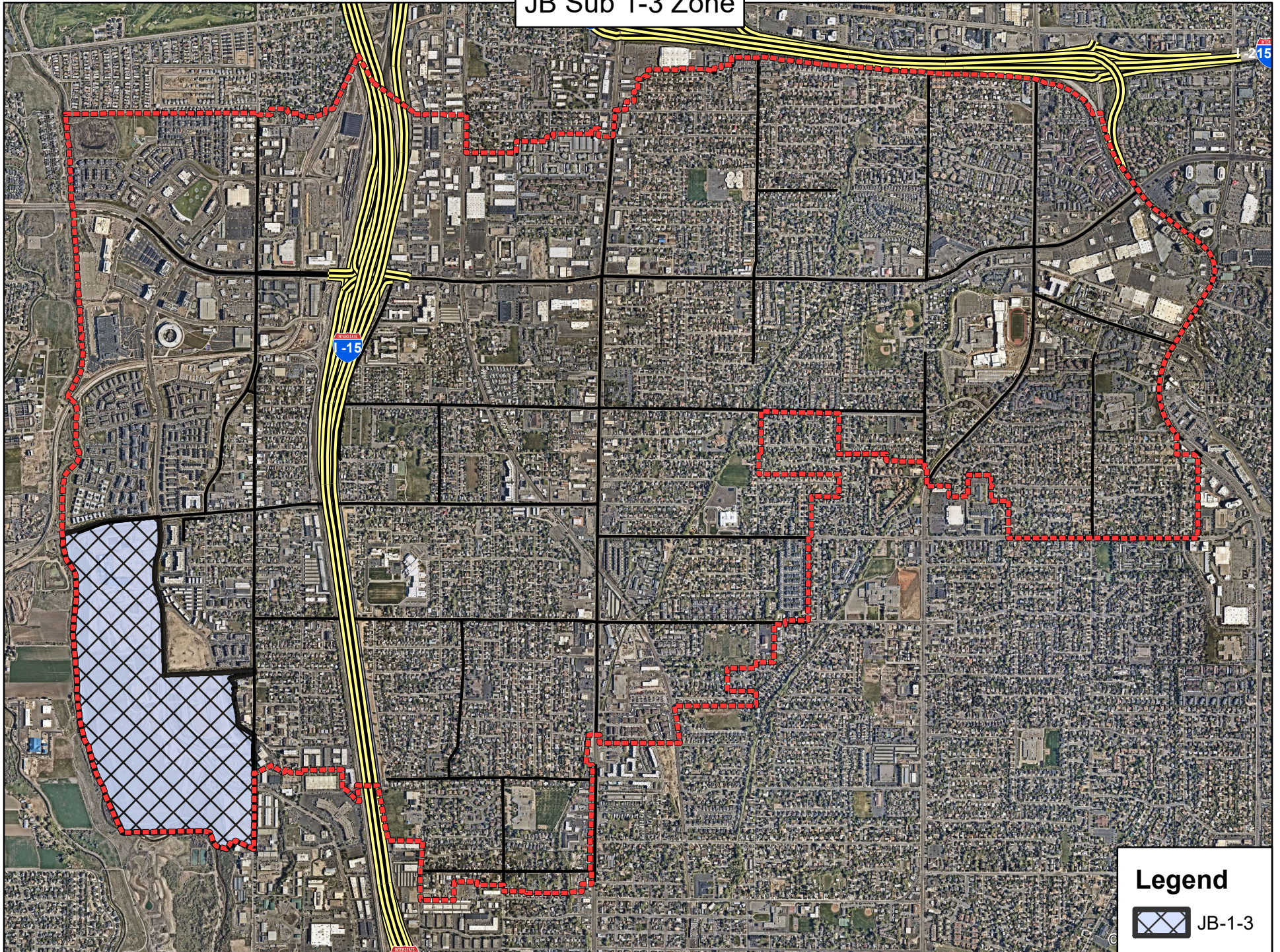
- 1. ...*
- 2. ... ”*

ATTACHMENTS:

- JB Sub 1-3 Zone District Map
- Proposed Text Amendment

PUBLIC NOTICE: ☐ No ☒ Yes

JB Sub 1-3 Zone



Legend

 JB-1-3

Chapter 17-7-10.12 JORDAN BLUFFS SUBAREAS 1-3 DEVELOPMENT

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17-7-10.12.1 Purpose.

[No changes in this section.]

17-7-10.12.2 Development review process.

Excluding municipal facilities occupying an aboveground area of one-half acre or less, which shall be reviewed as an allowed use according to Section 17-3-3, tThe following development review process applies to all new development in Jordan Bluffs Subareas 1-3:

- A. Initial Contact. The applicant shall confer with the community development director to discuss the proposal and applicable development review and approval procedures._
- B. Initial Staff and Development Review Committee Review. The applicant shall provide the planning and zoning staff with a concept plan to allow for an initial review of the proposal. The concept plan shall show the location of all proposed streets, alleys, drives, pedestrian and bicycle elements, buildings, parking areas, landscaped areas, screening, uses of land and buildings, building heights, building elevation sketches showing typical exteriors and architecture, integration with the surrounding area, phasing plan, and other features. This concept plan shall be construed to be an illustration of the development concepts only and not an exact representation of the specific development proposed. After staff determines a complete concept plan proposal has been submitted, staff shall schedule a review by the development review committee. The applicant shall appear before the development review committee to address its concerns and to field input.
- C. Planning Commission Work Session. The applicant shall present the concept plan to the planning commission in a work session at least once before submitting a formal

application. The work session shall be for discussion and informal feedback purposes only, and no action shall be taken concerning the concept plan.

- D. Large Scale Master Plan. The applicant may submit an application for a large scale master planned development following completion of the procedural steps above. A large scale master planned development application and approval are required for each pod shown on the concept plan in Figure 1 of this chapter prior to any specific development applications, i.e. subdivision plats, site plans, and building permits. A master planned development application may include multiple pods. A subdivision plat recorded for purposes of identifying and dedicating roadways between pods may be recorded before submission of a large scale master planned development application provided the applicant shows how such roadways are anticipated to provide access and circulation to affected future development. A subdivision plat may also be recorded to establish the boundary of Pod “C” or the park. A large scale master plan shall comply with the provisions of Section 17-7-10.12.4.
- E. Development Agreement. ~~Except for city-owned municipal facilities, Aa~~ development agreement, in a form satisfactory to the city attorney and city council, and consistent with law, shall be required in conjunction with each large scale master plan to ensure the property owner complies with the provisions applying to Subareas 1-3 of the zoning district; the Amended and Restated Master Development Agreement for Jordan Bluffs Project; the large scale master plan, including specific approved plans and elements establishing the character and design of the project area; and allowing the property owner the right to develop in accordance with the approved plan for a period up to, but not exceeding, the term of the Amended and Restated Master Development Agreement for Jordan Bluffs Project.
- F. Subdivision Plats, Site Plans and Building Permits. Prior to any development occurring in a pod, the applicant shall obtain all applicable development permits as required in Chapter 17-3 and Title 16. The review processes for these permits shall be as set forth in Chapter 17-3 and Title 16. These development permits shall be consistent with the approved large scale master plan, development agreement, this chapter and current building code. Preliminary subdivision plats, final subdivision plats, preliminary site plans and final site plans may be reviewed concurrently with the large scale master plan.

17-7-10.12.3 Use table.

[No changes in this section.]

[No changes in this the remainder of this Chapter.]