

Midway City Planning Commission Work Meeting and Regular Meeting Minutes October 9, 2018

Notice is hereby given that the Midway City Planning Commission will hold a work meeting at 4:30 p.m. and regular meeting at 7:00 p.m., October 9, 2018, at the Midway City Community Center 160 West Main Street, Midway, Utah

Attendance

Jim Kohler – Chairman
Kevin Payne – Vice Chairman
Bill Ream
Rob Bouwhuis
Natalie Streeter

Staff

Michael Henke – City Planner
Melannie Egan – Admin. Assistant
Wes Johnson – City Engineer

Excused

Jason Jenkins
Jeff Nicholas
Nancy O'Toole

4:30 P.M. Work Meeting

Midway City is proposing a code text amendment of Section 16:15: Recreational Resort Zones. The proposed code amendment will possibly modify when water rights are required for development, require commercial uses for all development, establish permitted and conditional uses, limit density, limit height, and create large-scale and small-scale property development standards.

• **Current RZ Code**

- A. Encourage recreational activities that rely on natural attributes of the area, respect the sensitive land and water constraints present in the Midway City area, contribute to the community's character and economy, and have had a long-standing, beneficial role in the community;
- B. Provide flexibility for planning and developing recreational resort facilities in a creative, efficient, and coordinated manner to provide quality visitor experiences;
- C. Create a process in which applicants and Midway City collaborate with landowners and citizens in planning and designing resort master plans that meet community goals and respond to the unique circumstances of the resort area;
- D. Ensure that resort plans incorporate a mix of land uses, promote alternative modes of transportation, and provide a pedestrian-oriented community to alleviate traffic-related impacts;
- E. Ensure that resort plans are consistent with the Midway City General Plan, and therefore, are beneficial to the community;
- F. Enable long-range planning for infrastructure, capital facilities, and community land use patterns by establishing a level of predictability in the maximum potential size and character of each resort area;
- G. Produce resort plans that make significant contributions toward

protecting attributes of the community that are considered critical to the community's long-term health, welfare, and wellbeing; and

- H. Ensure a balance is maintained between tourism and community that promotes social diversity but does not cause undesired shifts away from rural community character.
- I. Midway City encourages builders, particularly those undertaking large projects such as resorts, to participate in the Leadership in Energy and Environmental Design (LEED) program. Midway City would be pleased to see builders utilize proven "green building practices."

- **Recreational Resort Zone**

- Notice of pending ordinance
- June 13th
- Any applications submitted during the 6-month period will be subject to the new code

- **Permitted Uses**

- A Land Use Plan. The Recreational Resort Master Plan shall define the land use elements that are proposed for the development. The land uses shall be consistent with both the applicant's design theme, the character objectives of the resort and Midway City's land use ordinances. Permitted uses shall include:
 - Residential uses.
 - Uses necessary for operation of the resort's primary recreational activities (hot springs, swimming, golf, fishing, hiking, equestrian, etcetera.)
 - Nonresidential uses that provide for the basic needs of resort lodging guests and day visitors.
 - Special events.
 - Other specific uses related to the resort's objectives and character as approved by the City Council.

- **State Code**

- Effective 5/9/2017
- 10-9a-306. Land use authority requirements -- Nature of land use decision.
- A land use authority shall apply the plain language of land use regulations.
- If a land use regulation does not plainly restrict a land use application, the land use authority shall interpret and apply the land use regulation to favor the land use application.
- A land use decision of a land use authority is an administrative act, even if the land use authority is the legislative body.

- **Resort Development Tax Base**

- Current code does not require commercial development
- Proposed code would require a minimum of 20% commercial development

- **Water Rights**

- Current code requires that a water calculation at the beginning of the process
- Water is tendered to the city with the recording of the plat of each phase
- Proposed code requires that the developer give the city the water right to hold in escrow when the master plan agreement is recorded
- Water is tendered to the city with the recording of the plat of each phase

- **Large and Small Properties**

- Code is written for large acreage developments
 - 100' setbacks are required for all buildings and parking areas from:
 - External public roads
 - Other resort development perimeter boundaries
- 30' setbacks are required from internal streets
 - Proposed code will allow lesser setbacks for parcels less than 2 acres
 - 50' front setback
 - 12' side setbacks
 - 30' rear setbacks

- **Height Limits**

- The standard maximum building height for buildings in Midway is 35 feet. The City Council may, at their discretion, allow greater height in resort developments. If any buildings in a resort are proposed to have heights greater than 35 feet, the applicant shall provide the City Council the following documentation to justify the increased height:
- A statement of all reasons the structure cannot be built without heights exceeding 35 feet.
- A clear illustration of the impact of building heights over 35 feet on views from public roads and adjacent developed property. This documentation may take the form of a physical model or electronic graphic representations of the site, the buildings and the visual background of mountain and valley views. The model or electronic representation shall specifically compare the proposed site and building configuration with an alternative building configuration that provides the same usable space and meets the thirty-five-foot height and other configuration requirements.

- **Density**

- There is no density limit in the RZ
 - Density is limited by water, open space, parking, & setbacks
- If height is limited, then density is also limited

- **Approval Process**

- Current code requires a master plan agreement and development agreement at the master plan phase
- Proposed code will require a master plan agreement at master plan phase and a development agreement per each phase of development
 - This proposal matches the approval process for all other master plans

6:45 P.M. Work/Briefing Meeting

- City Council Liaison Report, no action will be taken and the public is welcome to attend.

7:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
 - Invocation was given by Commissioner Payne
 - Chairman Kohler led the Pledge of Allegiance

Item: 1

Review and possibly approve the Planning Commission Meeting Minutes of September 19, 2018.

Motion: Commissioner: I move that we approve the Planning Commission meeting minutes of September 19, 2018, with the corrections given to Melannie.

Seconded: Commissioner Payne

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Payne, Ream, Bouwhuis, Streeter

Nays: None

Motion: Passed

Item 2:

Vote for new Vice-Chairman to replace Stu Waldrip who has resigned.

By majority vote by Commission Members, Kevin Payne was voted to serve as Vice Chairman.

Item 3:

Steven and Kala Francis are proposing a plat amendment of the Reed Bezzant Property (14-lot subdivision). The proposal is to divide lot 9 into two lots. This proposal would allow one more dwelling in the acreage of the current lot 9. The property is located at 95 South and 700 East and is in the R-1-11 zone.

Planner Henke gave a presentation

- **Land Use Summary**
 - 0.59-acre parcel
 - RA-1-11 zoning
 - Proposal contains 2 lots
 - One existing dwelling
 - Access from 700 East
 - The new lot will connect to Midway City's culinary water line, MSD's sewer line, and Midway Irrigation Company's secondary water line
- **Possible Recommendation**
- **Items to Consider**
 - Plat amendments are discretionary
 - Owner purchased the property with one development right and there is no obligation to receive another
 - Neighbors expectations when purchasing a lot in a subdivision
 - Community impacts (traffic, services, and school district)
 - Compliance with the General Plan
 - Compliance with the code
 - History of subdividing platted lots
- **Possible Findings**
 - Density and traffic in the area will most likely increase if the plat is amended
 - More services from the city will be required if approved that will most likely not be offset by the increased property taxes collected from the proposed lot
 - No public street, right-of-way, or easement will be vacated or altered
 - The proposed lot meets the minimum requirements for the R-1-11 zoning district
 - In the past 10 years no, other lots in recorded subdivisions have been subdivided
 - More than 10 years ago other lots in recorded subdivisions have been subdivided in Midway

Motion: Commissioner Payne: I motion to deny item number 3, Steven and Kayla Francis, plat amendment of the Reed Bezzant Property, a 14-lot subdivision. The proposal to divide lot 9 into 2 two lots would allow 1 more dwelling in the subdivision and is located at 95 South and 700 East in the R-1-11 zone. I will include the following findings from staff in the motion; density and traffic in the area will most likely increase if the plat is amended and more services from the city

will be required if approved that will most likely not be offset by the increased property taxes collected from the proposed lot. And, because in the past 10 years, no other lots in recorded subdivisions have been subdivided.

Seconded: Commissioner Streeter

Chairman Kohler: Any discussion on the motion?

Commissioner Payne added an additional finding that the length of the cul-de-sac currently exceeds our current maximum length of 500 feet. Commissioner Streeter seconded the amended motion.

Chairman Kohler: All in favor.

Ayes: Commissioners: Payne, Ream, Bouwhuis, Streeter

Nays: None

Motion: Denied

Item 4:

Steven and Kala Francis are proposing a small-scale subdivision that would add an additional lot in lot 9 of the Reed Bezzant Property (14-lot subdivision). The property is located at 95 South and 700 East and is in the R-1-11 zone.

Planner Henke was prepared with a presentation for this item, however, because Item 3 was denied, Item 4 was not presented

Motion: Commissioner Ream: I make a motion denial of the small-scale subdivision, because it requires a plat amendment and the plat amendment was denied by the commission.

Seconded: Commissioner Streeter

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Payne, Ream, Bouwhuis, Streeter

Nays: None

Motion: Denied

Item: 5

Midway City is proposing a code text amendment of Section 16.13.39: Off-Street Parking and Loading. The proposed code will possibly increase the number of parking stalls required for commercial and mixed-use developments, create public parking areas, place restrictions on parking structures or possibly eliminate them from the code.

Planner Henke gave a presentation

• **Parking Concerns**

- Residents and City Council members have shared concerns about parking
- Commercial generated parking in front of residences
- Concern that the parking required by the code is not sufficient and will create a compounding issue

- Legal nonconforming properties
 - Lola's
- **Points of Discussion**
 - Residential parking requirements
 - Commercial generated parking in front of residences
 - Commercial parking requirements
 - Public parking lots
 - Parking structures
- **Items to Consider**
 - Economic impact of increased parking in Midway
 - Visual impact of increased parking
 - The need for parking may change in the future
 - Mass transit
 - Uber
 - Adding trails and sidewalks will make Midway more walkable
- **Residential Parking**
 - Residential structures require 2 spaces
 - Mixed-use, when living is above or below commercial, requires 1 space
 - Area is more walkable
 - Smaller units may calculate to less vehicles
 - Combined parking
 - Potential solution
 - Increase the required parking for dwellings in mixed-use projects
 - Create a required parking stall range based on the number of bedrooms per dwelling
 - Other cities' requirements range from 1 to 2.5 stalls per dwelling
 - One (1) bedroom or studio: One (1) space
 - Two (2) bedrooms: One and a half (1.5) spaces
 - Three (3) bedrooms or more: 2 (2) spaces
- **Commercial Parking in Residential Areas**
 - The City has received many complaints
 - 100 West
 - 100 East
 - 2 residents on 200 West have expressed concerns about potential parking issues
 - Many residences are located in or near commercial businesses
 - As the amount of commercial activity grows this matter will also become a greater issue
 - Potential solution
 - Issue resident only parking passes
 - Post signage that allows parking by pass only

- Post signage that directs commercially generated parking to appropriate areas
- Enforce the parking restrictions
- Sheriff deputies and potentially City staff

- **Commercial Parking**

- Concern that the parking required by the code is not sufficient and will create a compounding issue
- In some categories, such as restaurant and retail, Midway's requirements are relatively low
- In other categories, such as theaters, Midway's requirements are relatively high
- Potential solution
 - Increase parking standards for retail and restaurants
 - Possibly increase parking for many other commercial business
 - Increase parking based on the ability of a business to only build a percentage of the required stalls and "purchase" the other stalls in public parking lots
 - Decrease parking for theaters
- Increased parking requirements will make it more expensive for commercial to locate in Midway but allowing the purchase of some of the stalls may make it less expensive to locate in Midway
 - May allow for more walkability by allowing business to be located nearer to each other
- Required parking may be built on-site or;
- Allow off-site parking for all required parking except for ADA required parking
- An annual fee would be required for each required stall
- Fee would pay for property, infrastructure, and maintenance
- Would make establishing a business in Midway easier because less land would be required and less infrastructure for a new business
- Public parking areas would be carefully chosen for walkability
- Commercial Generated Parking in Residential Areas

- **Public Parking Lots**

- Concerns about not requiring enough parking
- Many resort towns have public parking
- How to pay for public parking property and infrastructure
- Locating sites that are within walking distance of current and future businesses
- Consider only purchasing property or potentially long-term leasing of property
- Landscaping and wayfinding of public lots

- **Parking Structures**

- Midway's code allows parking structures
 - 35' height limit applies
- Structures could be eliminated or restricted
 - Commercial zones, resort zones?
- Parking structures are limited to two levels with a maximum height of 25'. The minimum setback from Main Street is 200' and the setback from all other lots lines is 300'. Parking structures must be screened both in design and in location from surrounding residential uses and from Main Street.

Chairman Kohler opened the meeting to public comment

None

Chairman Kohler closed the meeting to public comment

Motion: Commissioner Streeter: I move that we approve the proposed code text amendment 16.13.39: Off-Street Parking and Loading, with the changes suggested this evening and clarifying that the commission is supporting the restaurants and cafes to have 1 parking space per 150 square feet of dining room space and to include the removal of parking structures.

Seconded: Commissioner Ream

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Payne, Ream, Bouwhuis, Streeter

Nays: None

Motion: Passed

Item: 6

Midway City is proposing a code text amendment of Section 16:15: Recreational Resort Zones. The proposed code amendment will possibly modify when water rights are required for development, require commercial uses for all development, establish permitted and conditional uses, limit density, limit height, and create large-scale and small-scale property development standards.

Due to the work meeting prior to the regular Planning Commission meeting the commission agreed that they would not continue with this discussion at this time and would put a motion to continue the discussion at the next work meeting to be determined in a motion.

Motion: Commissioner Streeter: I move that we continue the discussion on code text amendment Section 16:15: The Recreational Resort Zone to a work meeting on Tuesday October 30th at 4:30 PM at the City Offices.

Seconded: Commissioner Payne

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Payne, Ream, Bouwhuis, Streeter

Nays: None

Motion: Continued

Item: 6

Adjournment

Motion: Commissioner Streeter

10 PM



Chairman – Jim Kohler



Admin. Assistant – Melannie Egan

Approved Minutes