

## **Midway City Planning Commission Regular Meeting December 16, 2015**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., December 16, 2015, at the Midway City Community Center  
160 West Main Street, Midway, Utah

### **Attendance:**

Mickey Oksner – Chairman  
Steve Nichols – Cochairman  
Nancy O’Toole  
Natalie Streeter  
Stu Waldrip  
Jim Kohler  
John Rather

### **Staff:**

Michael Henke – City Planner  
Lindy Rodabough – Admin Assistant  
Wes Johnson – City Engineer  
Kraig Powell – City Attorney

### **Excused**

Bill Ream & Chip Maxfield

### **6:50 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  
Opening Remarks or Invocation.
  - ❖ Invocation was given by Stu Waldrip.
  - ❖ Chairman Oksner led the Pledge of Allegiance.

### **Regular Business**

#### **ITEM: 1**

Review and possibly approve the Planning Commission Minutes of November 18, 2015

**Motion:** Commissioner Waldrip: I’ll move approval Mr. Chairman.

**Seconded:** Commissioner O’Toole

**Ayes:** Commissioners Waldrip, O’Toole, Nichols, Streeter, Rather and Kohler

**Nays:** None

**Motion:** Passed

Midway City Planning Commission

December 16, 2015

**ITEM: 2**

**2016 Planning Commission schedule and application deadline dates.**

- a. Discussion of proposed dates
- b. Motion for approval

**Motion:** Commissioner Nichols: Motion to approve

**Seconded:** Commissioner O'Toole

**Ayes:** Commissioners Waldrip, O'Toole, Nichols, Streeter, Rather and Kohler

**Nays:** None

**Motion:** Passed

**ITEM: 3**

Concept plan review for a proposed 25 lot large-scale subdivision to be called Dutch Canyon Subdivision located north of Dutch fields and east of Burgi Hill Ranches. The property is located in the RA-1-43 zone.

- a. Discussion of Concept Plan

Commissioners: Speed seems to be a concern through these existing subdivisions. Have speed bumps been considered?

Planner Henke: We've reviewed speed bumps and they do cause additional problems, such as pollution, noise, a lot of people make up time in between speed bumps and they also create problems for our snow plows.

City Engineer, Wes Johnson: Speed bumps are just ineffective. Speed bumps on a public road are just not an option.

**Chairman Oksner opened the meeting up to public comment**

**Public Comment/discussion:**

- Concerned Citizen, David Tew (Dutch Fields): I like the safety of the community. I like that the City is working with the developer and they have come up with a third option because of the safety issue. We recognize that the City is interested in connectivity.
- Concerned Citizen, Weston Broadbent (Burgi Hills): Saddle Drive is a steep road and it would naturally cause vehicles to go faster than 25 MPH. The third option doesn't work for Burgi Hill Ranches as it would work for Dutch Fields. The community of Burgi Hills would like for the roads to stay as they are and not be connected and to leave Saddle Drive for emergency access and a trail.
- Concerned Citizen, Elise Jones: Keep it a small town and do not connect every subdivision and have a mass neighborhood. Saddle Drive is an incline/decline; it's a "sledding hill", it will promote speed.
- Concerned Citizen, Brad Terry: Connectivity should be a lower priority than safety.
- Concerned Citizen, Bruce Strom: If there is no road to Dutch Canyon road then all the construction traffic will be going through the two (2) subdivisions.

Midway City Planning Commission

December 16, 2015

- Engineer, Paul Berg: Gave a review to the Planning Commission and the public of the history of how Dutch Fields/Burgi Hills area came to be so they could understand how it has shaped their decision for the project of the Dutch Canyon Subdivision. Another thing that shaped our decision on how we laid out this concept plan was the Midway Street Master Plan.
- Developer, Russ Watts: I think the petition tonight from these two communities is will the Planning Commission please listen to the neighbors and then advise the staff on how to make it safe and useable. I live in Dutch Fields too, so as the developer I also want to minimize traffic, spread it out and control speeds. I am in favor of not connecting the Burgi Hills connection. I feel like if we are going to improve the Dutch Canyon road that is being used by the entire County I don't know if the burden falls entirely on our shoulders. There should be a joint road agreement that if we improve the road then any future development helps pay for it and the City carries a percentage of that just because this road is being used by everybody, not just our community.
- City Engineer, Wes Johnson: The developer that developed Burgi Hills was supposed to pave Saddle Drive. In order to get a second access to Burgi Hills Ranches the developer had to get an easement on Interlaken road. In order for him to do that Interlaken required the developer to rebuild Interlaken Road. The developer then came to the City and said since I'm having to do this can we just make Saddle Drive an emergency access only and leave it gravel and then in the future when this other ground develops around here then Saddle Drive can get paved then. Midway has a couple of emergency accesses and they do not work, also Midway City does not have an emergency access in their code.
- City Engineer, Wes Johnson: Brett Walker had to front 150' of public road way to get a building permit. There is 150' of paved road meeting the City standards that abuts the front of his property. Saddle drive would already be paved if the City wasn't being nice to the developer of Burgi Hill Ranches. If the City has made a mistake, it was that they were trying to be kind and understanding to the developer.
- Commissioner Nichols: Wes I disagree with that a little bit. I think that the mistake that the City has made is not appreciating the volume of homes that are going to be up in this area and will be potentially using this route and not having planned for something that would be a collector route not going through neighborhoods that would service that amount of traffic that would eventually going to be there. I think that's the mistake that the City has made.
- There was some discussion concerning having Saddle Drive paved or not paved and getting plowed or not and who is responsible for keeping it plowed.
- There was a question asked on what the next steps are of this process of the Concept Plan. Planner Henke explained what the next steps would be if the developer pursues this development.

**Chairman Oksner closed public comment/discussion**

**Motion:** Commissioner Waldrip: I would make a motion Mr. Chairman that we postpone further discussion on this item until next meeting.

**Seconded:** Commissioner O'Toole

**Chairman Oksner asked if there was any further discussion**

There was none

**Ayes:** Commissioners Waldrip, O'Toole, Nichols, Streeter, Rather and Kohler

**Nays:** None

**Motion:** Passed

**ITEM: 4**

Mike TagLiabue, agent for Russ Watts, is requesting a Plat Amendment of Phase 5C Plat "K" Amended of the Valais Planned Unit Development. The amendment will increase the size of the building pads of 242, 243, and 244 each by 10' in length. The Proposal is located on Saxon Drive and is in the RA-1-43 zone.

**BACKGROUND:**

Mike Tagliabue, agent for Midway Village LLC, is proposing a plat amendment to Valais Phase 5C plat which is located on Saxon Drive and Leman Way. The proposed amendment would extend three building pads in size so that either larger dwellings could be built on the pads or decks could be built in the extended area. The current dimensions of the pads are 68' x 42.5' (2,890 sq. ft.). All three pads would be extended by 425 sq. ft. to a total of 3,315 sq. ft. (78' x 42.5'). Basically, area that is now common area and owned by the Home Owners Association (HOA), or in other words, all the property owners in Valais, would transfer that property to Midway Village LLC so that common area would now become private area.

Staff has identified some items to discuss regarding the proposal. The first is the spacing of the units in the area. The three pads are located in an area with limited space. It appears that there would be room in the area to expand the pads and still comply with the 25' setback but there would not be any extra space.

The second identified item, if approved, is how the current owners of the property, being the HOA and all the owners of property in Valais, will approve the transfer of their property to a private entity. Staff feels the HOA should approve the transfer by signing the plat and all the individual property owners in phase 5C should also sign the plat. This assures that they agree to transfer their property to a private entity being Watts Enterprises. Staff has contacted the County Recorder's Office regarding this matter but has not received a response as of the time of the

writing of this report. The County Recorder will eventually decide how to handle this situation unless a condition is placed on the approval dictating who will sign the plat.

One other item to note is the open space for Valais PUD will not be impacted with this petition. The development is required 50% open space and the subtraction of this common will not impact the open space the development currently has. This area of common space is not considered open space because it is located in area that is not 100' in width so it is common area but not open space.

A plat amendment is a legislative item and City Council is not obligated to allow any changes even if they feel that the applicant is complying with the requirements of the Code. This decision is entirely at the discretion of the City Council as long as the two findings required by State Code, as listed below, are met.

**ANALYSIS:**

In order for the Land Use Authority to approve a plat amendment Utah State Code dictates that

- (a) there is good cause for the vacation, alteration, or amendment; and*
- (b) no public street, right-of-way, or easement has been vacated or altered.*

Staff has been unable to identify “good cause” for the proposed amendment other than that the developer will be able to market a larger building pad. As for (b), no public street, right-of-way, or easement will be altered if this amendment is approved.

**PROPOSED FINDINGS:**

- The current and proposed unit locations comply with the required setbacks
- The area of the three pads is located has limited spacing in the area
- Expanding the pads will allow larger structures to be built on the properties
- Common area will become private area if approved
- No public street, right-of-way, or easement will be vacated or altered

## ALTERNATIVE ACTIONS:

1. Recommendation of (Conditional) Approval. This action can be taken if the Planning Commission feels there is good cause to approve the proposal.
  - a. Accept staff report
  - b. Reasons for approval (findings)
  - c. Place condition(s) if needed
  
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
  
3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial
  - There was some discussion about the location and direction of the driveways
  - There was discussion about having the approval of the HOA President & having the HOA President sign the new plat

### Chairman asked if there were any further discussions

There was none

**Motion:** Commissioner Nichols: I will move that we recommend to the City Council approval of this plat change with the findings as proposed by staff that the current proposed unit location comply with the required setbacks. The area where the three (3) pads are located have limited spacing expanding the pads will allow a larger structure to be built on the property that the structures will be identical to those next door and no public street, right of way or easement will be vacated or altered.

**Seconded:** Commissioner Rather

Chairman Oksner: I have a question for the discussion. Do we need to add a condition about the HOA president approving the modification?

Midway City Planning Commission

December 16, 2015

Planner Henke: I'm pretty sure that the County Recorder will require that. She's been in the hospital so I haven't been able to talk to her about this. You could add that as a condition, I don't think that would be unreasonable.

Commissioner Nichols: I'll amend my motion to include that condition.

Commissioner Waldrip: Will you amend it also to accept the report of the staff?

Commissioner Nichols: Yes.

Chairman Oksner: As amended, do we have a second?

**Seconded:** Commissioner Streeter

**Ayes:** Commissioners Waldrip, O'Toole, Nichols, Streeter, Rather and Kohler

**Nays:** None

**Motion:** Passed

## **ITEM: 5**

Mike TagLiabue, agent for Midway Village LLC, is requesting a Plat Amendment of Phase 9 of the Valais Planned Unit Development. The amendment will increase the size and amend the shape of building pads 404 and 405. The property is located in Valais at North Montchapel Lane and is located in the RA-1-43 zone.

### **BACKGROUND:**

Mike Tagliabue, agent for Midway Village LLC, is proposing a plat amendment to Valais Phase 9 plat which is located on North Montchapel Lane. The proposed amendment would extend two building pads in size so that either larger dwellings could be built on the pads or decks could be built in the extended area. The current dimensions of the pads are 68' x 55' (3,740 sq. ft.). Pad 404 would expand by 107 sq. ft. to 3,847 sq. ft. and 405 would expand by 445 sq. ft. to 4,185 sq. ft. Basically area that is now common area and owned by the Home Owners Association (HOA), or in other words, all the property owners in Valais, would transfer that property to Midway Village LLC so that common area would now become private area.

Staff has a few concerns with the proposal. The first is the spacing of the units in the area. The two pads are located between two streets and there really is not very much space between the curbs and the units. In Planned Unit Developments (PUD) the required setback from the back of curb is 25'. The recorded plat complies with the required setback and the proposed expanded pads also comply but the area already feels "sandwiched" between the two roads. Expanding the two pads would allow larger structures on the pads which would compound that feeling. Also the pads themselves are currently 3,740 sq. ft. which is already a large building pad. When it is considered that these dwellings could be three stories the actual homes could easily be over 6,000 sq. ft. in size already without expanding the pads.

The second concern that staff has regarding the proposal, if approved, is how the current owners of the property being the HOA and all the owners of property in Valais will approve the transfer of their property to a private entity. Staff feels the HOA should approve the transfer by signing the plat and all the individual property owners in phase IX should also sign the plat. This assures

Midway City Planning Commission

December 16, 2015

that they agree to transfer their property to a private entity being Watts Enterprises. Staff has contacted the County Recorder's Office regarding this matter but has not received a response as of the time of the writing of this report. The County Recorder will eventually decide how to handle this situation unless a condition is placed on the approval dictating who will sign the plat.

One other item to note is the open space for Valais PUD will not be impacted with this petition. The development is required 50% open space and the subtraction of this common will not impact the open space the development currently has. This area of common space is not considered open space because it is located in area that is not 100' in width so it is common area but not open space.

A plat amendment is a legislative item and City Council is not obligated to allow any changes even if they feel that the applicant is complying with the requirements of the Code. This decision is entirely at the discretion of the City Council as long as the two findings required by State Code, as listed below, are met.

#### **ANALYSIS:**

In order for the Land Use Authority to approve a plat amendment Utah State Code dictates that

- (a) there is good cause for the vacation, alteration, or amendment; and*
- (b) no public street, right-of-way, or easement has been vacated or altered.*

Staff has been unable to identify "good cause" for the proposed amendment. As for (b), no public street, right-of-way, or easement will be altered if this amendment is approved.

#### **PROPOSED FINDINGS:**

- The current and proposed unit locations comply with the required setbacks
- The area of the two pads is located between two roads and there is limited spacing in the area
- Expanding the pads will allow larger structures to be built on the properties
- Common area will become private area if approved
- No public street, right-of-way, or easement will be vacated or altered

Midway City Planning Commission

December 16, 2015

## ALTERNATIVE ACTIONS:

4. Recommendation of (Conditional) Approval. This action can be taken if the Planning Commission feels there is good cause to approve the proposal.
  - a. Accept staff report
  - b. Reasons for approval (findings)
  - c. Place condition(s) if needed
  
5. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
6. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

### Discussion

- There was discussion about making sure the homes that will be on pads 404 & 405 will look the same as the surrounding homes
- There was discussion about having the approval of the HOA President & having the HOA President sign the new plat

### Chairman asked if there were any further discussion

There was none

**Motion:** Commissioner Waldrip: I move that we accept the staff report with respect to the request for the plat amendment of phase 9 of the Valais Planned Unit Development concerning building pads 404 & 405. We accept the staff report and find that the current and proposed unit locations comply with the required setbacks that the area of the two (2) pads is located between two (2) roads and there is limited space in the area, but adequate space. Expanding the pads will allow the larger structures to be built primarily for the walk out basements and decks to be constructed to be similar to the neighboring structures. The common area will become private area if approved and will require the transfer of ownership of the property involved from the HOA to the developer. No public street, right of way or easement will be vacated or altered and with the condition that the

Midway City Planning Commission

December 16, 2015

president of the home owners association or any other authorized person would have to sign the transfer document appropriately to convey the property involved to the developer from the HOA

**Seconded:** Commissioner O'Toole

**Chairman Oksner asked if there were any further discussion**

There was none

**Ayes:** Commissioners Waldrip, O'Toole, Nichols, Streeter, Rather, and Kohler

**Nays:** None

**Motion:** Passed

## **ITEM: 6**

Sharon Daly is requesting a Conditional Use Permit for a private school known as the Big Red after-Schoolhouse. The school will operate in the afternoons and will have an average attendance of 12 students. The property is located at 145 East Main Street and is located in the C-2 zone.

## **BACKGROUND:**

This is a request for a Conditional Use Permit (CUP) for a private school named The Big Red After Schoolhouse. The applicant currently has a CUP and operates in the Growing Light Montessori School but she would like to move to a new location on Main Street at the address of 145 East Main. She plans on operating in the afternoons once the students arrive from Midway Elementary and it is anticipated that she will have 12 students. The students will most likely walk from Midway Elementary and cross Main Street with the crossing guard each day. They will then walk home after school is let out or they will be picked up in front of the school on Main Street.

The applicant will continue with the same school plan that she has used since 2011 when she was first approved. There will be structured lessons and homework help. It will be a school that students will attend after they are dismissed from their regular classes. The applicant is well educated and has 25 years of teaching experience in public and private schools and has advertised the following activities for the school:

- Homework help
- Brain Gym
- Science Explorations
- Story time
- Play for Little People
- Outdoor Play and Games
- Music
- Crafts Creative Instruction

Midway City Planning Commission

December 16, 2015

The applicant has an active business license that she has maintained since 2011. The new location has been inspected and approved by the City inspector, the fire inspector and the health inspector.

**ANALYSIS:**

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings. The City Council must make in considering this request. Section 16.26.120 requires specifically the City Council find that:

1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code; *planning staff believes that the proposal will not have a significant impact on the neighborhood. Also, as staff has analyzed the proposal it appears that it will comply with the provisions of the Code.*
2. The proposed use is consistent with the General Plan; *no issues have been identified.*
3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *the proposal is required to have an approved business license with the City and the applicant has complied with this requirement since 2011.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *No issues have been identified.*
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *safety is of highest priority. The students will travel from Midway Elementary and cross Main Street at the crosswalk with the crossing guard. The children will either walk home or will be picked up in front of the school. Main Street is the City's busiest road but there appears to be sufficient room for vehicles to parallel park on the street while they pick up the students. There is a bike lane that adds extra space from vehicular traffic on Main Street also.*
6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the location is suitable for the proposed use.*
7. There are adequate provisions for public access, including internal and surrounding traffic

Midway City Planning Commission

December 16, 2015

flow, water, sanitation, and public utilities, and services to insure that the proposed use would not be detrimental to public health and safety; *no issues have been identified.*

**PROPOSED FINDINGS:**

- The proposed use is a Conditional Use in the C-2 zone
- The business owner has successfully ran her private school in Midway since 2011

**POSSIBLE ACTIONS:**

- Recommendation of (conditional) approval. This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
  - Accept staff report
  - List accepted findings
  - Place condition(s)
- Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - Accept staff report
  - List accepted findings
  - Reasons for continuance
    - Unresolved issues that must be addressed
  - Date when the item will be heard again
  -
- Recommendation of denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
  - Accept staff report
  - List accepted findings
  - Reasons for denial

**RECOMMENDED CONDITION:**

1. Any increase in the amount of students or classes above what has been proposed will require the Conditional Use Permit be reevaluated and approved by the City Council.

Midway City Planning Commission

December 16, 2015

**Discussion**

- Applicant, Sharon Daly: I've been working with the Growing Light Montessori School, this is my 5<sup>th</sup> year. I just had a chance to obtain this home. It's just ideal the way the house is laid out; it has a fully fenced back yard, lots of storage. It has everything I need to conduct my business. The new Growing Light Montessori School is too far. The atmosphere that I try to create is not institutional; I want the kids to feel like they are coming "home" after school. I help the kids with their homework and do their projects.
- Chairman Oksner: Will the kids be accommodated in your living room?
- Applicant, Sharon Daly: No, the entire home is used except for my bedroom. I have an average of 12 kids. It varies from day to day, I have 15 kids enrolled.
- Commissioner Waldrip: Would you be comfortable of a limit of 15 kids?
- Applicant, Sharon Daly: Yes

**Chairman Oksner asked if there were any further discussion**

There was none

**Motion:** Commissioner Nichols: I move that we recommend approval of the Conditional Use Permit to the City Council with the findings that the proposed use is a conditional use in the C-2 zone where the property is located. That the business owner has successfully ran her private school in Midway since 2011 and with the condition that any increase in the number of students or classes above what has been proposed which we understand right now is up to 15 students would require additional review and a further Conditional Use Permit.

**Seconded:** Commissioner O'Toole

**Chairman Oksner asked if there were any discussion**

Commissioner Waldrip: We need to accept the staff report

Commissioner Nichols: So amended

**Ayes:** Commissioners Waldrip, O'Toole, Nichols, Streeter, Rather, and Kohler

**Nays:** None

**Motion:** Passed

**ITEM: 7**

Mark Steven Banks is requesting a Conditional Use Permit for a mixed use development that would include one residential unit, a commercial building, and warehousing and mini-storage units. The property is located at 580 East Main Street and is in the C-2 zone.

**BACKGROUND:**

This request for a Conditional Use Permit (CUP) by Mark Steven Banks is for a mixed use project that will include a commercial building, a residential unit, and commercial storage units. The parcel on which the project is proposed is zoned C-2 on the southern 2/3 of the property and zoned R-1-11 on the northern 1/3 of the parcel. The proposed mixed use project is located only on

Midway City Planning Commission

December 16, 2015

the C-2 zoned area of the parcel. The parcel is 8.9 acres in size, of which 2.8 acres lies in the R-1-11 zone and will remain undeveloped and 6.1 acres lies in the C-2 zone. Of the area in the C-2 zone 5.2 acres will be used as area for storage units and .9 of an acre will be used as retail and office area.

Earlier this year the Planning commission and the City Council reviewed the permitted and conditional uses in the C-2 and C-3 zones. During that revision there were some additional requirements added to the code regarding warehousing and storage units. Those new requirements are the following:

*The following requirements apply to Warehousing and Mini-Storage Units in zones where they are allowed:*

*A. All Warehousing and Mini-Storage Units shall have a setback of 150' from any public road.*

*B. The colors used on Warehousing and Mini-Storage Units structures shall be neutral and will be reviewed by the VAC.*

*C. All storage, including vehicles, of any items in Warehousing and Mini-Storage Units facilities shall be located under a roof.*

*D. All applicants for Warehousing and Mini-Storage Units shall be required to propose and build on the site one or more additional structures not used for storage, to be located within the 150' setback area, in order to reasonably screen the Warehousing and Mini-Storage Units from view from the frontage of the property. Such structures shall be built prior to or concurrently with construction of the Warehousing and Mini-Storage Units and shall be subject to review by the VAC.*

*E. A combination of a fence and appropriate landscaping shall be used on all sites of a Warehousing and Mini-Storage Unit facility to screen the structures from view and provide security for the property. The fencing and landscaping plan shall be proposed by the applicant and reviewed and approved by the City as part of the conditional use process.*

The proposal does include the 150' setback for storage units. This provision was added to the code for multiple reasons. One was to allow other uses to "hide" the storage units from view from public roads, especially Main Street. Another reason was to have more active uses such as retail and restaurants occupy the area along Main Street which meets the General Plan's goal of creating an active and vibrant Main Street. On 12-8-2015 the VAC reviewed preliminary plans of the project. Many suggestions regarding architecture and landscaping were made and another meeting has been scheduled for 12-15-2015. All aspects for the proposal were reviewed and the architect for the project will present new renderings at that next meeting. The proposal does have all storage located under a roof. The purpose of this provision was to avoid seeing stored items such as boats and RVs when viewing Midway from vantage points from Wasatch Mountain State Park and especially from Memorial Hill. Item four in above code requires that additional structures in the 150' setback are built before or concurrently with and storage units. The developers have proposed three buildings in the 150' setback which include a caretaker dwelling,

Midway City Planning Commission

December 16, 2015

a two-story office building, and a larger two-story commercial building that will have offices on the upper floor and the bottom floor could have a restaurant, health clinic, or retail space. The final item in the code requires landscaping and fencing to screen the storage unit area of the proposal. The developer has submitted drawings that have landscaping throughout the project and some fencing along the south and east sides. Along the north and west sides of the storage unit area the backs of the structures will act as the fencing. There will also be landscaping along most of the perimeter of the development.

There are 21 on-site parking stalls on the proposed site plan. Because it is still unknown the exact uses in the commercial buildings it is impossible to calculate the number of stalls required by the code. For most uses the code requires a stall for every 250 sq. ft. of public accessible space and two stalls for each residential unit. Based on the 21 stalls on the plan, two stalls would be assigned for the caretaker dwelling and the public accessible space could be up to 4,750 sq. ft.

The City would like to extend the Main Street road profile that is found from 300 East to 200 West all along Main Street to the Hamlet Park. The proposed project is located in this improvement area. The developer will need to construct curb, gutter, park strip, and sidewalk along the frontage of the property to comply with this plan.

As mentioned earlier, staff and the VAC are working with the developer and his architect on the design and landscaping of the project. At the time of the writing of this report the VAC has yet to make a recommendation for approval regarding the design of the proposal but it is possible that recommendation will be made by the meeting date of the Planning Commission to review the CUP.

This item has been noticed in the local newspaper for two weeks and in the State's website for the Planning Commission meeting. Mailed notice will be sent out to all property owners within 600' before the public hearing before the City Council.

#### **ANALYSIS:**

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the Planning Commission must make in considering this request. Section 16.26.120 requires specifically the Planning Commission to find that:

4. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code; *planning staff believes that the proposal will not impair the integrity and character of the C-2 zone. The proposal appears to comply with the requirements specific to storage units as listed earlier in this report. The design of the project does generally follow the architectural guidelines listed for commercial development in the C-2 zone; the VAC is currently reviewing the project. Also, as staff has analyzed the proposal it appears that it will comply with the provisions of the Code.*

Midway City Planning Commission

December 16, 2015

5. The proposed use is consistent with the General Plan; *the City has recently debated if this use is consistent with the General Plan and it was determined that this use is consistent with the General Plan as long as there is a 150' setback and other uses occupy that setback area and the structures comply with the architectural requirements the City has adopted. The office space and retail/restaurant that will be located near Main Street also does comply with the vision of the General Plan.*
6. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *the businesses that will be located in the development are required to have approved business licenses with the City. The businesses will need to apply for licenses and they will be issued once all the requirements are met such as the issuance of the Conditional Use Permit among other requirements.*
8. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *the proposal will be engineered for drainage and all increased runoff will be captured and stored in sumps or detention ponds that will be installed on site.*
9. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *the proposed uses will create more traffic for the area and that is expected in the commercial zone. Traffic will increase to the property and on the surrounding roads. The storage unit business should be relatively quiet because of the infrequent visits to the storage units that are expected but because of the quantity of storage units (600) there should be steady traffic to the development.*
10. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the location is suitable for this type of business.*
11. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to insure that the proposed use would not be detrimental to public health and safety; *UDOT will need to approve the driveway locations since Main Street is a state road.*

## **POSSIBLE FINDINGS:**

- The proposed use is a conditional use in the C-2 zone.
- The proposal will increase traffic to the area.
- The VAC has yet to recommend approval of the proposed renderings of the structures.

## **ALTERNATIVE ACTIONS:**

1. Recommendation of Conditional Approval. This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s)
2. Recommendation of Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. Date when the item will be heard again
3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

## **PROPOSED CONDITIONS:**

1. Construction plans will need to be approved by the City Engineer before construction of any improvements.
2. UDOT must approve of the proposed driveway locations before the item is presented to the City Council.
3. Midway Sanitation District must review the plans for the project before approval is granted.

Midway City Planning Commission

December 16, 2015

4. Midway Water Board must review the project before the item is heard before the City Council.

### **Discussion**

- **Architect, Clayton Vance:** Discussed the design, layout and dressing the storage units up, but still keeping financially viable as a business. He also talked about the required setback. The City required a setback of 150' and with this project they did the setback at 180'. He explained that the exterior walls are about eight (8) to nine (9) feet tall and that the lighting will be a "down" lighting placed intermittently under the eaves. The storage unit caretaker will live in this 1200 foot apartment and will be there at all times and they are allotted two (2) parking spots. All 600 units will be built simultaneously.
- **City Engineer, Wes Johnson:** Discussed the width/spacing between the RV storage building and the neighboring storage unit building making sure that there will be a large enough turning radius for the RV's to get parked. Wes informed those involved with this project that he is going to want a geotech report on this due to the amount of impervious surface.
- **Concerned Citizen, Chris Crittenden:** Asked how do we ensure that this structure gets built as the drawings that we are seeing tonight?
- **Commissioners:** With each permit that is pulled architectural plans get submitted for approval and that is what has to be built. Also, as the project is being built the City comes and does inspections throughout the process.
- **Developer, Steven Banks:** I want to address some of the questions and concerns that have been brought up. As far as the residential piece of this property, there is a neighbor that wants to potentially buy the residential area. The east wall will be stuccoed and painted the roofing material will be non-reflective steel, from a distance it will look like shingles. As far as tenants go, we are negotiating with IHC; I've also had interest from book keepers and attorneys to occupy the top floor. The upper level will be executive offices on the lower level there could be a restaurant or a medical facility. The top floor of the storage unit office will be mine and by business partner's office. There is a huge demand for storage units in Midway and we've had a study done and it says that all the units should be full in less than three (3) years. The storage units will be available 24 hours, there will be a security gate and security cameras. The users will have to enter their code into the security gate to gain entry.

**Chairman Oksner asked if there were any further discussion**

There was none

**Motion:** Commissioner Streeter: I move that we recommend to the City Council a Conditional Use Permit for Midway Self Storage on 580 East Main Street. Also, that we accept all findings of staff including the proposed conditions which Staff has placed on this and that all the landscaping that has been drawn into the plans that has been presented before us that all the landscaping follow the landscaping presented in the presentation and the overall look of the buildings again follow how it has been presented to us and if it does not then the applicant must come back to the VAC for a subsequent approval.

Commissioner Waldrip: Could I propose an amendment to that before the second speaks up? I'd like to see the final elevations and plans presented to the Vision and Architectural Committee as part of the conditions. If it doesn't match who is going to decide if it doesn't match?

Commissioner Streeter: Good point Stu.

Commissioner Waldrip: If that's agreeable to you then I think we should add it as a condition to the approval of the Conditional Use Permit.

Commissioner Streeter: Absolutely, so amended

Commissioner Waldrip: You've incorporated all of these written conditions, right in your motion?

Commissioner Streeter: Yes.

**Seconded:** Commissioner O'Toole

**Chairman Oksner asked if there were any discussion**

There was non

**Ayes:** Commissioners Waldrip, O'Toole, Nichols, Streeter, Rather, and Kohler

**Nays:** None

**Motion:** Passed

**ITEM: 8**

**Staff will give a presentation regarding the Midway General Plan. The City adopted the General Plan in 2011 and it is time for a five year review of the plan. The review process will last approximately one year.**

Planner Henke: Gave a presentation on the overall General Plan. Touched on the Cities Vision Statement, Land Use, Federal and State Law, Economic Development & Resorts, Moderate Income Housing, Affordable Housing, and Transportation. He expressed that Midway City has a transition problem between commercial and residential. He then said Midway City does have open space requirements and we could do what Park City does which is they have a bond in place to purchase open space.

Staff and Commissioners discussed the following topics

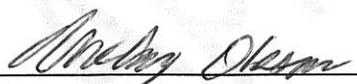
- Midway City's infrastructure
- How impact fees are used
- Open Space throughout Midway and on Main Street
- Trails
- Parks
- Survey

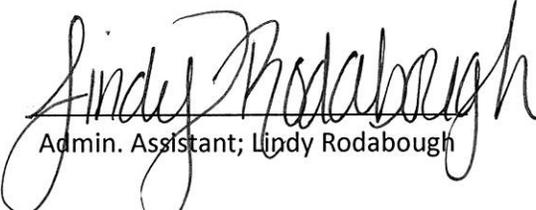
**ITEM: 9**

Adjournment

**Motion:** Commissioner O'Toole: Motion to adjourn

**Adjournment time:** 10:05pm

  
Chairman; Mickey Oksner

  
Admin. Assistant; Lindy Rodabough

Midway City Planning Commission

December 16, 2015