

Midway City Planning Commission Regular Meeting November 18, 2015

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., November 18, 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
Chip Maxfield

Staff:

Michael Henke – City Planner
Lindy Rodabough – Admin Assistant

Excused

John Rather
Bill Ream

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 Chip Maxfield.
 - ❖ Chairman Oksner led the Pledge of Allegiance.

Regular Business

1. Review and possibly approve the Planning Commission Minutes of October 21, 2015

Motion: Commissioner Nichols: Mr. Chairman, I’ll move to adopt the minutes with the correction stated.

Seconded: Commissioner Streeter

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

Nays: None

Motion: Passed

ITEM: 2

Chet Thomas, agent for Cascade Meadows LLC, is requesting a plat amendment of the Cascade Meadows PUD. They are proposing to move the locations of four of the building pads. The property is located at 528 W Cascade meadows Loop and is located in the RA-1-43 zone.

BACKGROUND:

Chet Thomas, agent for Cascade Meadows LLC, is proposing a plat amendment to the Cascade Meadows PUD located north of Wards Lane and west of Stringtown Road. The recorded plat is composed of 15 building pads, public trail, private trails and common area. Ten of the building areas on the plat are lots and the other five are building pads surrounded by common area. The plat was recorded on March 11, 2008. As of the writing of this report Cascade Meadows LLC owns the 15 building areas on the plat.

Basically, the purpose of the plat amendment is to amend the location of four of the building pads and the shape of one of those building pads would be amended. The developer has stated the reasons behind the change is to give some more room to each dwelling and to move the driveway from pad 15 to the south so the bedrooms of that dwelling are not right next to pad 14. Pad 15 becomes much more private with the garage next to the neighbor instead of the garage next to the more expansive common area to the north. Also pad 15 does change is size and shape. The square footage on the recorded plat is 4,290 sf while on the amended plan it increases in size by 271 sf for a total of 4,561 sf.

Current PUD standards require 50% open space. Staff asked the applicant to supply a drawing that showed the proposed changes would still comply with this requirement. A drawing was submitted to staff and that drawing is attached to this report. According to the information submitted to the City the 50% open space requirement would still be met.

Another concern is the existing water and sewer laterals. The City requires that all water laterals are not located under driveway areas. This is because the ground under driveways is colder during the winter because there is not an insulating cover of snow. The developer is aware of this issue and will need to supply the City with construction drawings with driveway and lateral locations.

This item was noticed in the local newspaper for two weeks, letters will be sent to all property owners in the plat and within 600' of the plat for the public hearing before the City Council, and a public notice will be posted on-site for the public hearing.

ANALYSIS:

The proposed plat amendment seems to not have any major negative aspects associated with it. There are not any street infrastructural changes that will be needed with this amendment.

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.

In this situation there is good cause to grant the approval because the lots will become more marketable. The overall size of one of the units will increase slightly but the requirement of 50% open space will be maintained. Also for the aforementioned “b,” no public or private street right-of-way will be impacted because of this amendment.

PROPOSED FINDINGS:

- The proposed amendment will modify the building pad locations of pads 12-15
- Pad number 15 will increase in size and the shape of the building pad will be modified
- No public street, right-of-way, or easement will be vacated or altered

ALTERNATIVE ACTIONS:

1. Recommendation for approval (conditional). This action can be taken if the Planning Commission feels there is good cause to approve the proposal.
 - a. Accept staff report
 - b. List accepted 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

Chairman Oksner asked if there were any further discussion.

There was none

Motion: Commissioner Waldrip: Mr. Chairman I'll move that we accept the findings of the staff and add an additional finding that proposed plat amendment meets the 50% open space requirement. It appears to be consistent with the RA-1-43 zoning requirements. We approve the proposed plat amendment without conditions.

Seconded: Commissioner Maxfield

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

Nays: None

Motion: Passed

ITEM: 3

Paul Berg, agent for Fastbreak Management LLC, is proposing a plat amendment of the Swiss Creek PUD Plat A 2nd amendment. They are proposing to remove six attached units and replace them with three single-family detached units. The property is located at 570 North Mountain Springs Drive and is in the R-1-15 zone.

BACKGROUND:

Paul Berg, agent for Fastbreak Management LLC, is proposing a plat amendment to the Swiss Creek PUD located north at 570 North Mountain Springs Drive. The recorded plat is composed of 12 building pads, one lot, private road, and common area that is mostly part of the Crater Springs Golf Course and the most recent plat amendment was recorded on August 21, 2007. One dwelling has been built on the lot and six of the possible 12 building pads have been constructed upon. The 12 building pads are grouped into four three-unit condominiums. The developer is proposing to remove the two 3-plexes and replace them with three detached building pads for single-family residences. Overall the density in the PUD will reduce from 13 to ten.

There are a number of positive aspects to the proposal that have been discovered and include that following. With the density decrease of three units the potential reduction in potential traffic is almost 30 trips per day so traffic in the area will most likely be less if the proposed plat amendment is approved. There are also three new visitor parking spaces that will be added with the plat amendment. The proposed amendment does not encroach on the open space on the current plat and it also does not encroach on the golf course easement.

The only identified potential negative impact is the overall pool of members in the Home Owners' Association (HOA) will decrease by three. The HOA is responsible for plowing the road, maintaining the road, and maintaining the open space. Normally the larger the pool of members the healthier the HOA is because it can absorb the loss better if members do not pay their fees.

Another concern is the existing water and sewer laterals. The City requires that all water laterals are not located under driveway areas. This is because the ground under driveways is colder

during the winter because there is not an insulating cover of snow. The developer is aware of this issue and will need to supply the City with construction drawings with driveway and lateral locations. The laterals that are in place now that will be vacated will need to be capped at the main.

This item was noticed in the local newspaper for two weeks, letters will be sent to all property owners in the plat and within 600' of the plat for the public hearing before the City Council, and a public notice will be posted on-site for the public hearing.

ANALYSIS:

The proposed plat amendment seems to not have any major negative aspects associated with it. There are not any street infrastructural changes that will be needed with this amendment.

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.

In this situation there is good cause to grant the approval because the lots will become more marketable. The overall density will decrease which in turn will decrease overall potential traffic in the area. Also for the aforementioned "b," no public or private street right-of-way will be impacted because of this amendment.

PROPOSED FINDINGS:

- The proposed amendment will decrease the amendment by three units
- The open space in the PUD will remain the same
- More visitor parking will be added with this amendment
- No public street, right-of-way, or easement will be vacated or altered

ALTERNATIVE ACTIONS:

4. Recommendation for approval (conditional). This action can be taken if the Planning Commission feels there is good cause to approve the proposal.
 - a. Accept staff report
 - b. List accepted 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

Commissioner Nichols: How does the golf course become part of the PUD and therefore its open space? What open space does the HOA maintain if their open space is the golf course?

Planner Henke: This predates my time, but we have four (4) PUDs that I can think of right off where we have open space that counts as the 50% open space that they are required and so we have a history of allowing PUDs to use the open space from the golf course.

Paul Berg: Some of this dates back to 1988 when the Homestead golf course was developed. There was an agreement that was worked out between the Homestead and the City so that the golf course could be used as open space for a PUD.

Commissioner Nichols: So originally was it the same developer that was putting in the golf course and the PUD.

Paul Berg: Some, yes.

Commissioner Kohler: What is the elevation difference on the east side of the road where these units will be built?

Paul Berg: I'm not sure.

Commissioner Kohler: Will there be any problems with the height restriction for these homes?

Planner Henke: They cannot go over 35' above natural grade. We'll require an elevation certificate for those units since it is over 6% slope.

Paul Berg: They're going to need to make sure that their architecture for their home fits the site.

Commissioner Kohler: That'll be address appropriately in the building permit?

Planner Henke: That's correct.

Chairman Oksner asked if there were any further discussion.

There was none

Motion: Commissioner Nichols: Mr. Chairman, I'll move that we recommend to the City Council approval of the plat change with the findings as indicated by staff.

Seconded: Commissioner O'Toole

Chairman Oksner asked if there were any further discussion

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

Nays: None

Motion: Passed

ITEM: 4

Paul Berg, agent for Aliya Development, is requesting a Master Plan Amendment for High Valley Equestrian Ranch P.U.D., to be amended and redeveloped as the Deer Creek Estates P.U.D., which contains 39 lots. The proposal is located at 700 South Center Street and is in the R-1-22 zone.

BACKGROUND:

Aliya Development LLC has applied for a master plan amendment of the High Valley Equestrian Ranch PUD which would be redeveloped as the Deer Creek Estates PUD. Aliya had received approval for an amendment to the master plan on July 14, 2014 and this amendment would essentially be an amendment to that previous approval. The 2014 approval allowed the following: increased density from 24 to 39 units (14 units in phase I), removed the equestrian component from the PUD, eliminated the 500 S. road from the plat, vacated the northern half of the plat (this area will be developed as phase II), and increased the area of the subdivision by adding 15,000 square feet located on Center Street. The original plat was recorded on August 8, 2007 and the project was partially constructed. The south end of the development that includes building pads 1-14 was constructed as per the approved plans but the north end of the PUD was constructed as per an approved plat amendment that was never recorded. That unrecorded plat included property outside of the original plat and that property is no longer available so the possibility of recording that original plat amendment is no longer possible. Also because the infrastructure on the north end was constructed as per the original plat amendment, that infrastructure must be modified to match the current proposal because some of those improvements now encroach on neighboring properties.

Since construction ceased in 2008 the property has remained in an unfinished state. The property cannot be farmed how it was traditionally farmed because it is dissected by roads and other improvements and building permits cannot and have not been issued because the subdivision has been unfinished. At this point it seems the best course of action would be to approve the best plan possible so the property may be improved.

As mentioned earlier, there are several changes from the original plan but they are minor changes compared to the 2014 approval. First, the northern section of the plat will be vacated and the project will be developed in two phases. The first phase will be pads 1-14 and the second phase will be pads 15-39. Second, the density will increase from 24 to 39 units though only 14 units will be in phase I of the plat amendment. 39 units are still less than the maximum allowed at 47 units for 23.54 acre parcel. The limiting factor is the open space for the development. The proposed plan has 11.83 acres of open space (50.25%). The requirement for a PUD is 50%. The shape of the parcel and the layout of the roads make it impossible for anymore density than 39 units unless the road layout is drastically modified. The density increase is also possible because some of the amenities from the original proposal have been removed from the plan. These include all the equestrian uses such as stables, barns, and arena that had been planned. Also the pool and clubhouse have been removed from the plan. With the proposed plan other amenities have been added which include a tennis court and a playground area. Another modification is the layout of the roads on the north end of the project (this area is located in phase II). Originally the

City had planned to extend 500 South from 250 West to Center Street and a section of the road would have crossed that property. The ability to connect the road at 500 South does not seem likely because of the number of homes along the route. It is much more likely that the connection is made at about 400 South across the undeveloped parcels that will not require the removal of existing homes and will most likely be built by developers. What is now proposed in the subdivision is a cul-de-sac that will not connect to the north boundary line of the property. An access easement will need to be recorded across the area of phase II because the road length in phase I will be longer than 500'. The access easement will supply a second point of access and will need to be open and maintained, including snow removal, by the HOA. Also High Valley Ranch Subdivision Plat will be vacated and added to the Deer Creek Estates PUD plat. The plat that will be vacated is a four lot subdivision that runs along Center Street. The density from this plat will be added to the PUD but the area for the vacated plat will almost completely become open space for the PUD. The overall density of the two subdivisions will remain at 39 units but the change will allow a more open feel to remain along Center Street. Finally, there is an existing barn that the developer would like to move to the northeast section of the property. This barn will need to comply with the 100' setback from Center Street and landscaping will shield it from view from Center Street.

LAND USE SUMMARY:

- 23.54-acre parcel
- R-1-22 zoning
- Proposal contains 39 building pads of which 14 are located in the phase I and will be located in the plat amendment
- Project is a Planned Unit Development
- Roads will be private and maintained by the HOA
- The lots will connect to the Midway Sanitation District sewer and to the City's water line.
- 10' paved public trail is planned along Center Street and will be built by the developer. The original recorded plat deeded and 20' public trail easement to the City.

ANALYSIS:

Roads – The amendment will continue to be a PUD and the roads within the subdivision will be private with a public access easement that will be listed on the plat. The HOA will have the responsibility to maintain all the roads which includes all snow plowing and continual road maintenance. The original approval of the subdivision required a number of improvements along Center Street which is a UDOT owned and maintained road. The

developer has asked that those requirements be reduced. It is staff's opinion that all the original requirements continue. Staff disclosed the improvement requirements before the current owner purchased the property and the increased density in the project should make it more feasible to make those improvements. Furthermore, the required improvements are consistent with improvements that have been required by other developers along the same road such as the south Center LDS church. The required improvements are based on safety for those leaving and entering SR 113 which has a speed limit of 50 mph in this area.

Trails – The City's master trail plan does have a 10' paved public trail planned for Center Street (SR 113). The trail will be located in a 20' wide public trail easement. The developer will be responsible for the construction of the public trail.

Water Connection – The lots will connect to the City's water line located in the right-of-way for SR 113.

Sewer Connection – The lots will connect to Midway Sanitations District's line located in the right-of-way for SR 113.

Access easement through phase II – An access easement will need to be recorded across the area of phase II because the road length in phase I will be longer than 500'. The access easement will supply a second point of access and will need to be open and maintained, including snow removal, by the HOA. The easement will be match the existing road and the road will need to be completed as part of phase I.

ANALYSIS:

The proposed plat amendment seems to not have any major negative aspects associated with it. Though density is increasing, which should be considered, it still falls within the limitation for the R-1-22 zone. A positive aspect to the increased density is that a larger number of members of the HOA should help the HOA with maintenance of the roads, common area, and amenities. Also a parcel of land that cannot be farmed and has not improved in the last six years will be improved.

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.

In this situation it seems there is not an issue with either of the two aforementioned items. There is good cause for the properties involved in the possibility that the project will most likely be completed if the proposed amendment is approved. Also, the aforementioned (b) does not apply in this situation because no public street, right-of-way, or easement will be negatively impacted with the proposed amendment.

PROPOSED FINDINGS:

- The proposed amendment will allow the developer to more easily finish the development.
- The proposed amendment does meet the zoning requirements for the R-1-22 zone.
- The proposal does seem to meet the vision of the General Plan for this area of the City.
- The density of the subdivision will be increased.
- More open space will be created along Center Street with the removal of the four standard lots that are currently approved.
- No public street, right-of-way, or easement will be vacated or altered.

ALTERNATIVE ACTIONS:

7. Recommendation of Approval. This action can be taken if the Planning Commission feels there is good cause to approve the proposal.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s) if needed
8. 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
9. 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

Commissioner Streeter: Can the trail be pulled away from my fence and Angie's fence?

Paul Berg: I'll look into it to see if it can be moved.

Commissioner Waldrip: What about the berm?

Commissioner Streeter: The berm provides dens for many different animals.

Paul Berg: The way I understand it and the way that the minutes read is that the berm would be coming down.

Richard Cook, Builder: This was not our intent or our vision rather we were told what the previous approval was so we've agreed to that.

Commissioner Streeter: Do you have a preference whether the berms stays or goes?

Richard Cook, Builder: I'd like to resolve any varmint issue prior to building homes, part of that solution could be removing the berm. That would be my preference.

Member of the public: Lauri Sibulkin: If the berm is removed then those varmints will go elsewhere, like my turkey pen or other people gardens etc.

Chairman Oksner asked if there were any further questions or discussion.

Commissioner Kohler: My question is for staff. In the staff report you brought up the issue of improvements to Center Street it's staffs recommendations that those stay in place. Is that something that needs to be addressed in the motion?

Planner Henke: Yes, those really do need to stay in place because of UDOT requirements. Staff's recommendation is that the trail be required in phase 1 and the widening of the road be required in phase 2.

Chairman Oksner asked if there were any further discussion.

There was none

Motion: Commissioner Maxfield: The motion will be for approval and we accept staff findings and include all the previous conditions. Phase 1 will complete the construction of the trail phase 2 will complete all the road improvements. All the other conditions are self-explanatory as far as utility changes, so on and so forth. I'm going to put on the motion to modify the condition or remove the previous condition regarding the berm and just state the condition the berm will be dependent upon the developer whether to leave it or remove it.

Seconded: Commissioner Waldrip

Chairman Oksner asked if there were any further discussion

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

Nays: None

Motion: Passed

ITEM: 5

Clint Probst commercial concept plan review for a proposed mortuary building to be located at 711 East Main Street.

Paul Berg:

Commissioner Nichols: UDOT speed access

Paul Berg: Meets category 8 requirements. What's laid out here meets UDOT requirements

Commissioner Maxfield: Building. Swiss looking

Planner Henke: discussed the possible location and that this will be a mixed use development. What's being proposed is a mortuary and a residence on site. It's pulled up to the road which is required by our code and the parking is to the side and behind the structure. Overall this site plan looks like it meets our code nicely.

There was general discussion with the commissioners the engineer for this proposal and the applicant.

ITEM: 6

Thomas Romney residential concept plan review for a proposed 25 lot large-scale subdivision located north of 100 North and west of River Road.

Planner Henke: gave a presentation of the property. This property is actually two separate parcels, but they are being sold together.

The property is in two different zones, some is in the R-1-9 zone, but most of the property is in the R-1-15 zone.

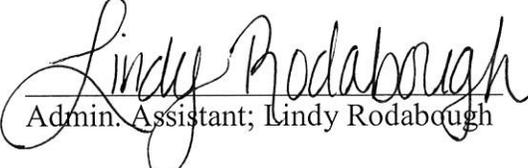
It's part of our General Plan to continue a block system along 200 north.

There was much discussion concerning River Road and adding another intersection onto River Road. Commissioners talked about adding a turn lane off of River Road for this potential subdivision.

Motion to adjourn: Commissioner Nichols: Motion to adjourn

Adjournment time: 8:35 pm


Chairman; Mickey Oksner


Admin. Assistant; Lindy Rodabough