

**Midway City Planning Commission Regular Meeting
March 15, 2017**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., March 15, 2017, at the Midway City Community Center 160 West Main Street, Midway, Utah

Attendance:

Mickey Oksner – Chairman
Steve Nichols – Co-Chairman
Stu Waldrip
Jim Kohler
Shauna Kohler
Jeff Nicholas
Bill Ream
Natalie Streeter

Staff:

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

Excused

Nancy O'Toole

6:50 P.M. Work/Briefing Meeting

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

*No liaison report was given

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 Commissioner Waldrip
 - ❖ Chairman Oksner led the Pledge of Allegiance

Regular Business

ITEM: 1

Review and possibly approve the Planning Commission *Work Meeting* of February 15, 2017.

Motion: Commissioner Nichols: Mr. Chairman if there are no corrections and I am not aware of any I would move that we adopt the minutes as presented for both meetings.

Seconded: Commissioner Waldrip

Ayes: Commissioners Streeter, Waldrip, Nichols, J. Kohler and Ream

Nays: None

Motion: Passed

ITEM: 2

Review and possibly approve the Planning Commission *Regular Meeting Minutes* of February 15, 2017.

Motion: Commissioner Nichols: Mr. Chairman if there are no corrections and I am not aware of any I would move that we adopt the minutes as presented for both meetings.

Seconded: Commissioner Waldrip

Ayes: Commissioners Streeter, Waldrip, Nichols, J. Kohler and Ream

Nays: None

Motion: Passed

ITEM: 3

Vote for Chair and Co-Chair

Chairman: Commissioner Steve Nichols

Co-Chairman: Commissioner Jim Kohler

ITEM: 4

Midway City is proposing a Code Text Amendment to add the regulations for the proposed C-4 zone (initially proposed as the Tourism Overlay Zone). The purpose of this zone is to create a community gathering area that is focused on tourism and retail. This zone will be walkable and is envisioned to have a central plaza with surrounding commercial and arts related businesses along with residential. The overlay zone would cover the general area from 400 East to 700 East along Main Street focused mostly on the north side of the street.

This item was continued from the Planning Commission's February 15th meeting. The Planning Commission also held a work meeting on March 6th to discuss the proposed code. For this Planning Commission meeting we will continue discussing items that should be included in the code. The following is the original memo sent to the Planning Commission.

The purpose and intent of the C-4 zone is the following:

The purpose of this district is to create a community gathering area that is focused on tourism and retail. This district will be walkable and is envisioned to have central plazas with surrounding commercial and arts related businesses and activities generally on the street level and residential on the upper floors and surrounding buildings. The C-4 zone provides for a mix of commercial, office, retail, arts related activities and multiple unit and attached residential uses of a higher density along Midway Main Street. Site and building design will be of a quality that enhances the character of Midway and offers a cultural and retail gathering area for the residents, visitors and tourists. A wide range of commercial and residential uses are allowed, including regional scale retail; provided, that it is compatible with the overall sustainable character of the area by fitting into an interconnected street network.

On the following pages, you find the proposed code for the C-4 zone (the map for the C-4 is found in agenda item 8 of this packet.) This vision for the zone has been developed over the past year and really formed in the Economic Development and Resort committee meetings that were held during the General Plan revision. Also, over the past year, the City has received several development proposals for the area of the proposed zone. These include hundreds of storage units on two of the parcels and two residential developments on the other. None of the proposed developments were considered to be very beneficial for the entire community. Based merely on a tax perspective, the residential developments would have cost the City revenue and the storage units would have created a very minimal gain for the City based on the fact there is no sales tax charged for storage unit rentals. These proposals made many aware that the properties will develop but if the City would like them to develop into something beneficial for the entire community then a change in the zoning needed to take place.

Another reason for creating the C-4 zone is to prepare the area for a performing arts center that is currently in the planning stage. A valley wide committee has been formed that is exploring how to fund the center and where it should be located. The site just north of the proposed rezone is the best location that has been identified. Between the zone, with its restaurants and retail, and the potential resort area to the north there can be a good synergy of uses that will help build each other up. The performing arts center will be an anchor to create activity in the district. Because these two parcels fall in between where the arts center is planned and the commercial area to the south it is important to not dissect the district with a relatively low density residential development.

One of the main ideas with the proposal is to create a performance based code. Basically, if the developer provides specific items in the development then they receive incentives. The C-4 zone is primarily commercially based but if the developer uses the performance items and creates an exceptional development then more residential can be added. The default in the code is 80% commercial and 20% residential for mixed use. If performance items are included, then that could slide to 20% commercial and 80% residential which is close to what the lending market typically allows for mixed use development. There is a list of performance items but one of the most important is the donation of property for a performing arts center. In return for creating the

C-4 zone the City will increase density and allow the height limit to increase. Also, staff feels that density in the C-2 zone for the rest of the City should decrease as density increases in this zone. This will be separate code text amendment that would need to be approved. Another idea behind this proposal is by focusing the growth of commercial and residential in the C-4 zone we will better protect the rest of Main Street from development that could come in the form of losing some historic structures and other valuable open spaces that we currently enjoy. Reducing the density in the C-2 zone will help preserve Main Street as the C-4 area develops.

The following code needs review and is in a rough draft form. We need to consider if there are any ways that we can improve it.

Please contact me at 435-654-3223 ext. 105 if you have any questions.

Chapter 16.27 C-4 Zone

Section 16.27.1 Purpose and Intent

C-4 Zone: The purpose of this district is to create a community gathering area that is focused on tourism and retail. This district will be walkable and is envisioned to have a central plaza with surrounding commercial and arts related businesses and activities generally on the street level and residential on the upper floors and surrounding buildings. The C-4 provides for a mix of commercial, office, retail, arts related activities and multiple unit and attached residential uses of a higher density along Midway Main Street. Site and building design will be of a quality that enhances the character of Midway and offers a cultural and retail gathering area for the residents, visitors and tourists. A wide range of commercial and residential uses are allowed, including regional scale retail; provided, that it is compatible with the overall sustainable character of the area by fitting into an interconnected street network.

Section 16.27.2 Pre-Application Conference with Staff Member

Any person wishing to develop in the C-4 zone shall meet with a staff member, check and review the zone information, obtain an application and review procedures, obtain information from the City regarding the City's plan of land use, streets, water, sewer, traffic, trails and parks, and public facilities; and have discussion about development review process and other requirements affecting the land to be developed. The developer shall then prepare plans and seek approval based on the information received and the process outlined below.

Section 16.27.5 Permitted Zones

All property must be in the C-4 zone.

Section 16.27.6 Lot Size

No minimum lot size is required.

Section 16.27.7 Open Space

A 200' x 200' central plaza is required and will be reviewed as part of the master plan. If a master plan is proposed that does not include all the property within the C-4 zone then only half (100' x 200') if the central plaza will be required which will allow a future developer to complete the central plaza as part of a future master plan. The central plaza will be located generally in the central area of the zone at a minimum of 300' from all the C-4 boundaries except the north boundary. No other open space is required. The developer may choose to create off-site open space and/or pay a fee-in-lieu and receive residential bonuses based on the planned performance standards listed in this code.

Section 16.27.8 Height

Building height within 100' of the C-4 boundary on the east and west areas of the zone is limited to 35' as described in other sections of this code. Between 100' and 200' of the C-4 boundary building height is limited 45'. Areas more than 200' from the C-4 boundary, buildings are limited to a maximum height of 55'. All height limits are measured from natural grade.

Building height within 200' of Main Street is limited to 35' as described in other sections of this code. Between 200' and 300' of Main Street building height is limited 45'. Areas more than 200' from Main Street, buildings are limited to a maximum height of 55'. All height limits are measured from natural grade.

Building height is limited to 55' from the north side of the C-4 zone as long as the height restriction from the east and west boundaries are met.

Architectural elements such as chimneys, bell towers, clock towers, finials, and like architectural features as well as flag poles may extend above the 55' height limit as specifically reviewed by the VAC and Planning Commission. The City Council will review any proposals and may approve an extended height limit of an

architectural element. In no case will any living space be allowed above the 55' height limit and four stories is the maximum number of stories allowed for any structure.

Section 16.27.9 Animal Rights

Animal rights may be petitioned by the applicant based on the proposed development plan for a development in the C-4.

Section 16.27.10 Frontage

Zone frontage requirements are not required for development in the C-4.

Section 16.27.11 Trails

Any trails crossing a development in the C-4 will be built by the developer and an easement will be deeded to the public for public use.

Section 16.27.12 Water Requirements

All required water shares for culinary and secondary water will be tendered to the City before the recording of the subdivision plat or issuance of a building permit if a plat is not required.

Section 16.27.13 Sensitive Lands

A structure may not be built on a site of slope 25 percent or greater. All other sensitive lands standards must be met as found in the Sensitive Lands Overlay Zone ordinance. The only exception to this is for an amphitheater.

Section 16.27.14 Access and Streets

Development in the C-4 zone must have access to a public road or a private driveway built to City standards. Streets within the C-4 zone will be private streets maintained by the Property Owners' Association. The street width standards will be reduced from normal City standards to accommodate a pedestrian friendly experience. Street profile standards will be reviewed specifically by the VAC and Planning Commission. The City Council will make the final determination and grant approval of the allowed street profiles. It is anticipated that speed limits on streets in the C-4 zone be limited to 15 mph.

Section 16.27.15 Setbacks

Minimum building setback from property line for all commercial structures:

Main Street:

- 1. Front. 10’ minimum and 20’ maximum from the property line; however, an accessory or secondary building may be allowed by the City Council to be set back further provided all provision of this Title are met.
- 2. Side. None
- 3. Rear. None
- 4. Setback from boundary of C-4: 15 feet

Inner public streets or private streets or driveways:

- 1. Front. None
- 2. Side. None
- 3. Rear. None
- 4. Setback from boundary of C-4: 15 feet

Parking setback is 15’ from C-4 boundary.

Section 16.27.16 Perimeter Landscaping

A landscaped berm is required along the C-4 zone boundary along properties containing existing residences. The berm will be 4’ in height to shield light from vehicles in the C-4 zone from shining onto neighboring residential properties. Berms are encouraged to be lushly landscaped. Trees shall have a minimum of a 2.5” caliper and at a minimum located every 25’. Two roughly parallel rows of bushes are required with each row containing a bush every 10’ leaving a distance of about 5’ between each bush giving a staggered effect. Landscaping must be approved by the VAC.

Section 16.27.17 Permitted and Conditional Uses

USES	C-4
Retail, grocery, and service stores (up to 25,000 sq. ft.) Tobacco sales and e-cigarettes (no more than 5% of total retail)	P
Bazaar (under 10,000 sq. ft.)	P

Bazaar (over 10,000 sq. ft.)	C
Professional offices and clinics	P
Alcohol dispensing establishments	C
Day Care (*as a component of another permitted or conditional use in the C-4)	P
Recreational activity businesses, photo, art, and craft galleries, retail show rooms	P
Short-term lodging facilities	P
Cafes and restaurants	P
Barber, beauty shops, massage therapy and day spas	P
Vehicle parking	P
Theaters (indoor and outdoor)	P
Mixed Use (80% minimum commercial unless planned performance bonuses are earned, up to an average of 30 residential units per acre)	C
Commercial PUDs, commercial and residential condominium projects (residential is allowed only as part of a mixed-use)	P
Private academies/studios (education, art, dance, sports, etc.)	P

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wed only with special use review by the Planning Commission and the City Council.

Section 16.27.18 Planned Performance Incentives

The standard requirement for mixed-use developments is 80% commercial square footage and 20% percent residential square footage. It is possible to decrease the commercial requirement and increase residential if improvements are made to the property from the following list:

Incentives for increased residential	Residential Percent
Water feature (40' diameter minimum)	1-10
Fire feature	1-5
Stage for musical performances*	5
Ice skating rink* (80' diameter minimum, roofless)	30
Movie theater* (minimum three screens)	35

Land donated for an arts center/Amphitheatre* (minimum five acres)	20
Fee-in-Lieu for open space (every \$100,000 is worth 1.5 points) (\$100,000 increases 5% each year starting in 2018)	1-20
Open space outside of the C-4 (developable and has a public benefit) (every acre is worth 1.5 points)	1-20
Purchase of development rights (0.75 points)	1-20

The maximum amount of allowed residential is 80%.

*Limit one item in the C-4 zone

City Council reserves the right to offer other incentives than what is listed in the code.

Section 16.27.19 Standards and Requirements

Standards and Criteria: Development plan review shall be based on the following building and site design standards and criteria, which are formulated to achieve the intents and purposes of the mixed-use districts in the short and long term. These standards and criteria shall be met unless an acceptable alternative is proposed that, upon review by the Planning Commission, City Council and the VAC, better meets the intents and purposes of the area:

1. General Criteria:

A. Encourage appropriate characteristics of Midway’s traditional neighborhoods, including mixed-use development, European architecture, tree lined streets, interconnected street networks, and convenient access to parks and plazas, open space, transit and trails;

B. Provide an adaptable and interconnected transportation system that allows multiple modes of transportation, disperses traffic and provides streets that accommodate multiple transportation modes, including motor vehicles, bicycles and pedestrians;

C. Use manmade and natural features, such as open spaces, drainage corridors, parkways, streets and alleys, as development edges, transitions and

interconnections;

D. Through a comprehensive site design approach, arrange residential, employment, retail, services and open space uses to be convenient to and compatible with each other;

E. Define the public space using building location and landscaping to promote pedestrian activity and create a high quality public realm;

F. Design early phases of development to be adaptable to additional phases of development to promote sustainability through long term quality and character;

G. Encourage housing in a range of densities, sizes and types;

2. Building Envelope:

A. Side yards that exceed fifteen feet (15') in width located adjacent to another side yard that exceeds fifteen feet (15') in width should be avoided unless the areas are to be used as a unified public gathering area or courtyard;

B. Pedestrian breezeways between buildings shall be a minimum of six feet (6') in width;

C. The use of front yard areas for buildings that have nonresidential uses on the ground floor shall be oriented toward the pedestrian and shall include related amenities such as entrance walks, plazas, benches, bike racks, raised flower boxes or other such features.

3. Buffering and Transitions:

A. Use design, positioning or other approaches to mitigate any potentially adverse impacts, such as noise, light and/or odor, to adjacent incompatible uses;

B. Locate, screen and buffer service, storage, delivery and refuse areas to minimize the view from streets and open spaces. Decorative walls, earthen berms, landscaping or architectural treatments may be used as screening methods;

C. Rear facing buildings, loading docks, service entries or overhead doors are not allowed on primary street facades, but if necessary may be located on secondary streets; provided, that such service functions meet the general design intent.

3. Parking And Circulation:

A. Provide safe and attractive pedestrian and bicycle connections to building entries and public sidewalks within parking lots and surrounding areas;

B. Minimize the visual impacts of parking areas, parking structures and residential garages on streets, open spaces and adjoining developments;

C. Improve the efficiency of parking areas by allowing multiple uses to share parking spaces, curb cuts and circulation drives;

D. Parking, including residential garages, shall be located to the rear of the building. Side yard parking is only allowed if specifically approved as part of the master plan. Residential garage entrances wider than one bay shall not be located on the primary façade.

4. General Site Design:

A. Incorporate required water quality and storm water management features into the overall site design;

B. All new utilities shall be placed underground in all streets;

C. Civic sites: Civic buildings, including, but not necessarily limited to, libraries, schools, recreation facilities, municipal buildings, or places of worship or assembly have a special public importance in the community. Retail, residential or privately owned office buildings are not included in the definition. Civic buildings may be allowed greater flexibility to make an architectural statement or provide additional gathering space. This flexibility may allow variation from the building frontage and required build to range requirements subject to review by the VAC and planning commission and approval from the City Council. This flexibility does not, however, allow parking lots to be located between the building and the primary street it faces.

5. Large Footprint Buildings:

A. Retail commercial buildings with a footprint greater than twenty thousand (20,000) must meet the regulations:

1. Each building shall orient to the primary street it faces;

2. In the C-4, street level fenestration (design, construction, or presence of openings in a building. Fenestration includes windows, doors, louvres, vents, wall panels, skylights, storefronts, curtain walls, and slope glazed systems) requirements may be applied to only seventy five percent (75%) of the primary facade and will be evaluated during the VAC review process for compatibility with the overall intents and purposes of the district;

4. Detailing at intervals of twenty-five (25') to thirty feet (30') shall be provided to break up expanses of blank walls with no openings. Additionally, walls with no openings shall be set back from the right of way a minimum of fifteen feet (15') and buffered with landscaping. Street trees are required at intervals ranging from 20' to 35' and at least one row of additional plants and/or shrubs based on the recommendation from the VAC.

6. Building Design Criteria:

A. Architectural Detail:

1. Create buildings that provide human scale and interest through use of varied forms, materials, details and colors;

2. Provide architecturally finished and detailed elevations for all exposures of the building;

3. Primary street facing walls of buildings may not have sections of blank walls that contain no openings in lengths that exceed twenty feet (20') in length;

4. Rooflines may be flat or pitched. Roofing shall not be of vivid primary colors (i.e., red, blue or yellow). Rooftop equipment shall be screened by roof components, parapets, cornices or other architectural features. Galvanized hoods and vents shall be painted to match the roof color;

5. Durable materials that complement Midway City's tradition of stone and masonry shall be used as either primary or secondary building materials.

B. Entrances/Pedestrian Access:

1. Each building on a lot with street frontage shall have a primary entrance either

facing or clearly visible and accessible from the primary street it faces;

2. Entrances shall be accessible to the public as a regular building entry from the sidewalk;

3. Along principal streets, entrances allowing public access from the sidewalk, for any building which is greater than fifty feet (50') in width, shall be provided with functional entrances at intervals of fifty feet (50') or closer to maximize street activity and pedestrian access opportunities, and to minimize expanses of inactive building wall;

4. The street level floor elevation should match the elevation of the sidewalk at the front of the building as closely as possible to facilitate accessibility and primary street orientation.

C. Street Frontage:

1. A portion of the building frontage may be set back beyond the required build to range up to an additional twenty feet (20') if the space is utilized as a site plan approved courtyard, outside eating area or entryway that is open and accessible to the public sidewalk. This portion may be up to forty percent (40%) of the actual building frontage and shall not be used for a parking area;

D. Fenestration:

1. A minimum of sixty percent (60%) fenestration is required on the street level of all street facing facades. Street level is between two (2') and twelve feet (12') on these street types. Upper stories shall have a minimum of thirty percent (30%) fenestration for each story;

2. A minimum of sixty percent (60%) fenestration is required on the street level of all street facing facades for all nonresidential uses on neighborhood streets and pedestrian walkways. Residential uses on the street level must have a minimum of forty percent (40%) fenestration on street facing facades. Street level is between two (2) and ten feet (10') on neighborhood streets and pedestrian walkways. Upper stories for all uses shall have a minimum of thirty percent (30%) fenestration for each story;

3. Windows of tinted or reflective glass may not be located between two feet (2') and nine feet (9') above the sidewalk grade on street facing facades;

E. Design Standards:

The following landscaping standards shall apply to all new development within the C-4 zone.

A. Street Frontages: Street trees shall be provided on all street frontages at a maximum spacing of forty feet (40') on center unless the species to be used recommends spacing greater than forty feet (40'). Spacing should be as uniform as possible, with exceptions allowed to preserve clear visibility zones near intersections and driveway and alley access points.

B. Landscaped Park Strips: Street trees shall be planted within a landscaped park strip of at least six feet (6') in width, between the roadway and sidewalk, or tree grates of at least five feet (5').

C. C-4 Streets: On promenade streets where on street parking is permitted and where no landscape strip is present, street trees may be planted in sidewalk bulb out areas.

D. Distance to Light Standards: Street trees shall be planted no closer than twenty feet (20') to light standards.

E. Species: Street tree species selections shall help define the public space of the street, especially in residential neighborhoods. Different streets should be planted with different species to provide interest, variety, and to promote disease and pest resistance throughout a development area. More than one species may be used to create a pattern and/or provide accent along a street.

F. Location of Lighting Fixtures: Lighting fixtures providing pedestrian scaled illumination shall be placed on all principal and promenade streets spaced no greater than forty feet (40') on center to stagger with street trees. Spacing on other streets shall meet minimum required lighting levels.

G. Pole Height of Pedestrian Lighting Fixtures: The pedestrian lighting fixture pole height shall be fifteen feet (15'), with a base diameter of at least twenty inches (20"). Materials shall be cast iron and steel with a black finish. Single or double lamp fixtures may be used on principal, promenade or arterial streets. Single lamp fixtures shall be used on neighborhood roads.

H. Pole Height of Street Lighting, Parking Lot Lighting Fixtures: Street lighting fixtures and parking lot lighting fixtures shall have a pole height of twenty-four feet (24').

I. Tree Grates: Tree grates shall be five feet (5') square and of cast iron.

J. Tree Guards: Tree guards, if used, shall be a minimum of sixteen inches (16") in diameter and five feet (5') in height. Material is fabricated steel construction with a black high polish powder coat.

K. Trash, Recycling Receptacles: Trash and recycling receptacles shall be of fabricated steel construction with a black high polish powder coat finish. Receptacles shall be three feet (3') in diameter and four feet (4') in height. Trash and recycling receptacles shall be placed side by side, with a lid to distinguish the recycling receptacle. A minimum of two (2) pairs of receptacles shall be placed per block face, unless otherwise approved by the city, on all principal and promenade streets. Other locations shall be approved during the development plan review process.

L. Bollards: Bollards shall be placed at all intersections along principal and promenade streets. They shall be constructed of cast steel with a black high gloss powder coat finish. Each bollard shall be four inches (4") in diameter and three feet (3') high. Bollards may be cast in, bolt down (surface mount), or removable. Bollards will be spaced a minimum of four feet (4') and a maximum of six feet (6') apart.

M. Benches: Benches shall be placed along all principal and promenade streets at a minimum of three (3) per block face. Benches shall be of a cast iron with steel straps and finished in a black high gloss powder coat. Benches shall be six feet (6') in length.

N. Bicycle Parking: Bicycle parking shall be placed in racks with a minimum capacity of three (3) bikes and a maximum capacity of seven (7) bikes. A minimum of one rack shall be placed on every block face for principal and promenade streets.

O. Paving Accents: Paving accents may be used to articulate building entries, pedestrian crosswalks, plazas, sidewalk bulb outs, or other areas as approved during the development plan review process. Paving materials may be brick,

stained concrete or other durable materials that have a nonslip finish. Stamped concrete is not to be used for paving accents that are part of the streetscape area.

The following standards, requirements and conditions shall apply to all C-4 developments:

- A. The project must be prepared by a design team composed of at least a civil engineer, land surveyor or landscape architect, all who must be licensed to practice in the State of Utah.
- B. All dwelling units shall be served by a city-approved water supply. All utilities within in C-4 developments shall be placed underground, including telephone, power and television.
- C. Dwellings and permitted structures shall be located to best comply with the intent of this Ordinance and shall meet the following standards:
- D. All parking spaces, parking areas and driveways shall be hard-surfaced asphalt or concrete, and properly drained with no drainage running across public or private sidewalks.
- E. The developer shall install all public improvements on-site and off-site as identified by the Planning Commission and City Council.
- F. All street construction improvements in subdivisions and along public roads shall be constructed per public street construction widths and cross-section standards.
- G. Provisions of the Sensitive Lands Section of this ordinance shall be adhered to within C-4 developments.
- H. C-4 developments shall connect any trails shown on the City Master Trails Plan for the area.
- I. Final engineering drawings (plans and profiles) for all public and private improvements, final grading plan, and final drainage and run-off plan with run-off calculations.
- K. All documents and legal material shall be ready for recording.

L. Deeds of dedication for all public lands as required by the City, when not shown on a final plat.

M. Provisions for bonding of all improvements in a form acceptable to the City. The bond amount is to be 110 percent of the engineer's estimated cost for improvements.

N. All required final plat fees.

O. Phasing plan for final plats.

P. In the event the project will not be divided into separate ownership; the developer shall submit the same information as requested above except for the Record of Survey Map. A final site plan shall be submitted totally dimensioned conforming to the approved preliminary plan.

Section 16.27.20 Master Plan

Development of a Master Plan. The purpose of a Master Plan is to establish the development standards that will serve as a guide to all future development within a C-4 zone development. The Master Plan is intended to be of sufficient detail to describe the amount, type, size and location of all proposed buildings in the development and the impact of the proposed development on surrounding neighborhoods and Midway City as a whole. Although technical specifications of the proposed development, such as fully engineered plans or fully detailed architectural drawings, are not required as part of the Master Plan, it must be prepared by a development team composed of at least a civil engineer, an architect, a landscape architect, and an attorney, all of whom must be licensed to practice in the State of Utah.

1. Participation in the Master Plan. While one or more landowners within a City defined potential C-4 area may propose a Master Plan and maintain the role of the applicant as identified herein, all landowners within the C-4 area are encouraged to participate in the design of the Master Plan. Participation of all landowners within the C-4 zone, however, is not required for the City to approve a Master Plan for a development in the C-4 zone.

2. Review and Approval of the Master Plan. Public review and approval for C-4 Master Plans parallels the procedures set forth for a Concept Plan in other large scale development regulations of this Title. The standards for review of the Master Plan, however, are the standards set forth in this Chapter, in order to allow for

flexibility and creativity in the development and review of the Master Plan.

3. Recordation of the Master Plan. Upon approval, the Master Plan and a Certificate of Standards and Conditions, and any amendments thereto, shall be recorded in the Wasatch County, Utah Recorder's Office. The Planning Director and City Attorney shall prepare the affidavit certifying the details and conditions of the Master Plan approved and the development standards to be applied within the development area, along with any other standards, conditions, or agreements pertaining to future development or responsibilities of landowners within the C-4 area. A detailed description of the submittals required for a Master Plan is presented in the Recreational Resort Master Plan Section of this Chapter.

A. An application for development with the following elements:

1. The names, addresses and contact information of the applicant and owners of the property.

2. A Statement of Purpose. The statement of purpose shall provide the project name, the applicant's rationale for establishing the development, the development's objective and design theme, and how it will promote Midway City's Vision and comply with its General Plan.

3. A demonstration that the developer understands the City's Land Use Title and commits to meet its requirements. A Master Plan shall comply with the standards of Midway City Land Use Title. Notwithstanding, the applicant for a C-4 Master Plan may propose, and the City Council may approve, alternative standards for a development that is consistent with the unique circumstances of, and community objectives for, the development.

4. A site plan prepared to scale on a topographic base by a professional planning team which shows the concept of the major features of the project, including roads in relation to existing conditions and developments within one-fourth of a mile of the outside boundaries of the development. Ten copies of the Concept Plan on 11"x 17" size paper shall be submitted to the Planning Department for review by the Planning Commission.

5. Applicant entity name, primary contact name, civil engineer, architect and attorney, with respective contact information for each.

6. Development plan showing lot, pad or unit location and size(s).

7. Number of lots, pads, or units and how they conform to the underlying zone.

8. The types of buildings in the project by use and by architectural style, accompanied by conceptual architectural renderings.

9. All proposed common areas and/or amenities.

10. Any proposed public dedications proposals.

11. Conceptual Landscape Plan.

12. Open space provisions including the following information:

- a. Location.
- b. Size.
- c. Description of how the open space plan conforms to the standards for open space.
- d. Proposal for the final disposition and management of open space property.
- e. Any off-site open space trading provisions as allowed by this Code shall be approved by the City Council before applying for preliminary plan approval; however, any proposals for this purpose should be disclosed as much as possible now.

10. Any trails proposed within the project including an analysis that shows how this trail plan works in conjunction with the City Trails Master Plan.

11. A topographic map that is suitable for GIS and CAD analysis or another acceptable digital format.

12. Sensitive Lands.

a. Topographic information.

b. Identify potential sensitive land issues and a plan for how to address these issues.

c. Potential wildlife issues with the project and on the site.

13. A description of how public participation will be conducted consistent with the Citizen Participation requirements of the City, as outlined in Title 16.

14. A summary of the water needed for the proposed project showing how much is owned now compared to how much is estimated to be needed to complete the project.

15. Letter of submittal for the concept plans to the Heber Valley Fire Special Service District that transmits the plans to them.

16. Architectural renderings that conform to the architectural requirements found in this Title.

17. The Concept Plan may be used as a guide to request a Master Plan Development Agreement that will be used to guide the development that include multiple phases. Master Plan Development Agreements may be requested prior to Preliminary/Final Approval because they provide the basis for the portion of the Development Agreement that describes the zoning entitlements of the property. A Master Plan request shall have the following characteristics:

a. Phases that implement Master Plans shall prepare applications for Preliminary/Final Approvals for each phase prior to implementation. The Master Plan request must show each of the proposed different phases and their

construction sequence relative to each other. Each mixed-use phase must contain at a minimum 20% commercial square feet of the total square feet in the phase.

b. In addition to the utility requirements for Concept Plans, the Master Plan application must be prepared in sufficient additional detail to receive preliminary approval from the Midway City Water Board and the Midway Sanitation District, provide for the scheduling of all necessary water rights, water mains, sewer service interceptor capacity and laterals for the entire Master Plan along with a schedule that matches the phasing plan.

c. A Master Plan request must demonstrate that approval of the project in multiple phases can occur such that the project can still function autonomously if subsequent phases are not completed. Therefore, the Master Plan application must demonstrate that sufficient property, water rights, and roads are proposed with the first phase to allow the project to function without subsequent phases.

d. Special information must also be prepared for Master Plan applications to demonstrate that all facilities necessary to implement all life safety codes in effect at the time of application will be constructed and be maintained at the time the first phase is requested of the City.

e. Master Plan applications must be reviewed by the Planning Commission and approved by the City Council.

f. No City Council approval may be considered until after a public hearing has been held to consider the recommendation of the Planning Commission with regard to the Master Plan.

g. The Planning Commission and City Council may schedule such public hearings and extra meetings as they deem necessary to find the information necessary to make a recommendation to the City Council for a Master Plan.

h. After approval by the City Council a Development Agreement must be prepared and executed by the applicant and the City, sufficient to describe the entitlement granted to implement the Master Plan. The Development Agreement must be signed by the applicant within 45 days of approval. If the Development Agreement is not signed within 45 days of Final Approval then all approvals are null and void.

18. Definition of the C-4 Theme.

a. The theme of a C-4 development shall be consistent with vibrancy of a mixed-use development with associated activities that create a sense of place. A sense of place is created when site planning and architecture:

i. Concentrate activities and human interaction into identifiable spaces, such as a plaza;

ii. Assemble a built environment that connects buildings, spaces and structures through common scale, design, and materials;

iii. Incorporate into the built environment the natural features and cultural heritage

of the area;

and

iv. Produce an identifiable image that is associated with Midway and its theme.

b. The design theme and associated design concepts proposed by the applicant shall be submitted to the Midway City Vision Architectural Committee (VAC) for review. The VAC shall forward their comments and recommendations to the Planning Commission and City Council for their consideration.

19. Building design guidelines shall reflect:

a. The community's architectural character choices emphasizing Swiss/European Alpine themes (or other themes as approved by the City Council after a recommendation from the VAC and Planning Commission).

b. A built environment that emphasizes a human scale, pedestrian-orientated environment;

c. A built environment that is harmonious with the cultural and aesthetic values of Midway;

d. The natural physical attributes of the immediate vicinity;

e. The use of building materials and colors that are compatible with the surrounding natural and built environment, and

f. The bulk and scale of individual buildings within the C-4 area shall be compatible with, other structures within the development when the district is completed and with the natural environment.

20. Transportation Plan. C-4 Master Plan transportation element shall include a traffic impact analysis and a transportation demand management plan. The plan will determine the impact of increased vehicular traffic due to C-4 development and mitigates the impact of increased vehicular traffic due to the development. Further, the plan will assess the compatibility of the development plan with the Midway City Master Transportation Plan and demonstrate that traffic within the C-4 district confines moves efficiently and safely.

a. Traffic Impact Analysis. At a minimum, this analysis shall contain:

i. Projections of external vehicle trips generated by the C-4 development.

ii. Analysis of levels of service impacts on roadway system segments and intersections serving the C-4 zone and surrounding neighborhoods, and

iii. Specification of improvements needed to any public roadway system segments and intersections that are needed as a result of increased traffic to and from the C-4 zone.

b. Transportation Demand Management Plan: At a minimum, the Transportation Demand Management Plan shall:

i. Manage the generation of development related traffic to avoid undermining community character or endangering the public health, safety, and welfare. It shall

encourage an optimum mix of automobile and pathway facilities within the C-4 zone;

- ii. Promote multiple forms of transportation that are consistent with the transportation goals of the Midway City General Plan by providing safe, convenient, and direct access to transportation services and facilities (i.e., public transportation, paths and trails);
- iii. Layout of streets, alleyways, and parking lots in a pattern that is sensitive to the natural terrain and surrounding uses.
- iv. Manage the transportation demands of the C-4 zone so that it is consistent with the allocation of vehicle trips to the various roadway segments that serve the C-4 zone; and
- v. Identify an equitable area cost sharing plan for transportation facilities and services.

c. Service Vehicle Transportation Management Plan. This plan shall provide vehicular access appropriate for:

- i. Emergency services, paying particular attention to fire and EMS access;
- ii. Recycling and refuse removal;
- iii. Goods and services delivery; and
- iv. Construction equipment during all phases of construction.

21. Parking and Loading Plan. The Master Plan shall conform to the general requirements of the parking sections of the Midway City Land Use Title.

22. Trails and Pedestrian Facilities Plan. Trails and pedestrian facilities, including access for the disabled, shall be integral components of the site design. The plan shall provide:

- a. Trails and pedestrian systems that shall provide safe, convenient, and direct access throughout the C-4 and transit facilities and to existing or future adjoining community pathway system, when they are adjacent to the C-4 zone.
- b. Trails shall be provided for non-motorized transportation, except that motorized wheelchairs for the disabled shall be permitted. Bicycle racks and trail side seating, etc., shall be provided throughout the resort.

23. Water Use Plan. As water is so often a limiting factor for large scale developments in Midway City and surrounding areas a water use plan is a necessary element of a Master Plan. The Water Use Plan shall demonstrate compliance with Midway City's Water Use Title.

24. Other Utility Service Plans:

- a. The plan shall provide identification and acknowledgment of service providers. The applicant shall identify the provider of all infrastructure services and any associated facilities required to support the plan.
- b. Where services are to be provided by an entity other than the applicant an

impact analysis shall be performed if requested by the Planning Director. At a minimum, a document shall be obtained from each service provider demonstrating their commitment and ability to provide the required service to the Recreational Resort defined by the Master Plan. 'Will serve' letters shall be required from:

- i. Midway Sanitation District;
- ii. Solid waste disposal;
- iii. Electrical service;
- iv. Natural gas service;
- v. Telephone, internet and other electronic services; and
- vi. Any other utility service entity involved in the project.

Section 16.27.4 Preliminary/Final Plan

The developer shall prepare a preliminary/final plan and shall submit five copies of the plan on 11" x 17" size paper to the Planning Commission for its review. The purpose of this plan is to demonstrate how the proposed development plan will be able to meet the standards required under the zoning ordinance and other applicable laws or regulations. The Preliminary/Final Plan is expected to contain construction drawings, and it is also expected that it will demonstrate compliance with this code. The Preliminary/Final Plan shall contain the following information:

- A. Type of development.
- B. Name of development.
- C. Applicant entity name, primary contact name, civil engineer, architect, designer and attorney, with respective contact addresses, phone numbers, and email addresses for each.
- D. Legal description with section tie.
- E. Zone boundaries and designations.
- F. North point and a scale consistent with a scale that is on a standard engineering scale ruler.
- G. A site plan showing location and dimensions of all lot lines, along with building feasibility for each lot.
- H. Dimensioned side, rear and front yards.
- I. Topography shown by contours at no greater interval than two feet except that a greater interval may be permitted when the property is outside the survey boundary if specifically authorized by the Planning Commission.
- J. The outside boundary of the project.
- K. Tabulation of land use:
 1. Total area and building area.

- 2. Number of units and project density.
- L. Adjacent property owners.
- M. Typical street, roadway and driveway cross sections.
- N. A detailed statement and illustration of how the project will meet sensitive lands requirements.
- O. Existing and proposed easements, waterways, utility lines, canals and ditches.
- P. A plan for accommodating waterways, ditches and canals.
- Q. Proposed and existing sewage disposal facilities.
- R. Existing and proposed storm drain system with the related run-off calculations for the development site including routing the runoff water that leaves the site to a City storm drain or natural drainage approved by the City to accept the water.
- S. Existing and proposed water system indicating size of water lines and fire hydrant locations. Indications as to the capacity of the water system as it relates to the project when required.
- T. Environmental Assessment Review Statement.
- U. Any other information Staff or the Planning Commission may determine necessary relating to the site of the proposed project.

Section 16.18.18 Preliminary/Final Planning Commission Action

Upon presentation of the preliminary final plan and documents, the Planning Commission shall approve them as submitted, approve them with conditions or may refer them back to the developer for one or more of the following reasons:

- A. Due to the type of buildings, layout of structures, design of plan, or other aspects of the preliminary/final submittal, the Planning Commission determines the project to be inconsistent with the intent of this Ordinance or the Community General Plan.
- B. The Planning Commission requires that certain specific changes be made within the plans.
- C. The plans or documents have not been completed.
- D. The fees have not been paid by the developer.
- E. That this project is in substantial compliance with the intent of this Section as stated previously. The Planning Commission may impose such conditions on preliminary development plans as it may deem appropriate to meet the goals and

objectives of this Chapter. The Planning Commission may disapprove the C-4 development, which is found to be deficient in meeting the intent of these provisions. Any such disapproval may be appealed to the City Council within ten days after the decision of the Planning Commission.

Section 16.18.19 Recommendation of Preliminary/Final Plan to City Council

Upon the Planning Commission's approval of the preliminary/final plan of a C-4 development, the Planning Commission shall recommend this plan to the City Council for direction, with or without conditions.

Section 16.18.20 Public Hearing

After receiving notice of Planning Commission approval of the preliminary/final plan, or upon the City Council's reversing on appeal the Planning Commission's disapproval of a preliminary/final plan, the City Council shall set and hold a public hearing to consider preliminary/final approval of the project.

Section 16.18.21 Preliminary/Final Approval of City Council

After holding the public hearing, the City Council shall approve, approve with conditions, or deny the preliminary/final plan based on the same standards as required above for preliminary/final approval by the Planning Commission.

Section 16.18.22 Time Limit for Preliminary/Final Approval

A. Any failure to submit a proposed preliminary/final plan application within one year of the approval of the concept plan by the Planning Commission shall terminate all proceedings and render the preliminary/final plan null and void.

B. The duration of Preliminary/Final Approval shall be for one year from the date of approval of the development by the City Council. If the Final Plat is not recorded with the County Recorder within the one-year period, the development's approval shall be voided, and both Preliminary and Final Approvals must be re-obtained to reinstate the project, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that:

1. Construction must be conducted per any new City standards in effect at the time the plat is ultimately recorded;
2. The property must be maintained in a clean, dust-free, and weed-free condition always;
3. Each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or
4. No more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

Section 16.18.23 Final Plat

In addition to all other requirements, the proposed final plat shall show an address block containing addresses for each dwelling unit and for each main building within the plat, subject to approval by the Wasatch County Recorder's office.

Section 16.18.24 No Building Permits Issued Prior to Plat Recording

No building permit applications shall be submitted prior to the recording of the plat by the Wasatch County Recorder.

Section 16.18.25 Completion of Construction and Issuance of Permits

A. No building permits applications shall be submitted until the construction of the development is substantially complete; provided, however, that the developer in whose name the bond for the project is issued may submit a building permit application once the fire flow mechanisms are installed, operating and approved by the City Engineer. Once installed, operating and approved, fire flows must remain operating continuously thereafter.

B. No certificate of occupancy will be issued until construction on the development reaches final completion as determined by the City Engineer.

Section 16.18.26 Construction Bond

Prior to beginning construction of a development, the developer shall submit a

bond to the City in the amount of 110 percent of the cost of all improvements and inspections as determined by the City Engineer.

Section 16.18.27 Default

In the event the developer defaults, fails or neglects to satisfactorily install the required improvements within one year from the date the plat is recorded, the City Council may declare the bond forfeited and the City may install or cause the required improvements to be installed using the proceeds from the collection of the bond or other assurances to defray the expense thereof.

Section 16.18.28 Final Disposition and Release

The developer shall be responsible for the quality of all materials and workmanship. At the completion of the work, or not less than ten days prior to the release date of the bond or other assurance, the City Engineer shall make a preliminary inspection of the improvements and shall submit a letter to the City Council setting forth the conditions of such facilities. If conditions thereof are found to be satisfactory, the City Council shall release the bond or other assurance. If the condition of materials or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, the City Council may declare the developer in default.

Section 16.18.29 Record Drawing Submittal and Contents

A. Prior to final bond release, an electronic copy of the final drawings in the latest version of AutoCAD or DXF format shall be submitted to the City Engineer. This drawing file needs to include adequate information regarding position and basis of bearing tied to established control as approved by the City Engineer.

B. As-built information shall be overlaid on this final drawing. The as-built drawing must be based upon actual field survey of the items on the following list:

1. Established survey monuments, benchmark, and permanent horizontal and vertical control.
2. Water: valves, fire hydrants, blow-offs, flush valves, and water meters.
3. Sewer: laterals and manholes with rim and inverts elevations.
4. Storm drain: Catch basins, curb inlets, and manholes with rim and inverts elevations, size and type of pipe, storm outlets and detention / retention systems.
5. Miscellaneous light pole locations, street sign locations, and utility box/transformer locations.

6. Pressurized irrigation: valves, blow-offs, flush valves, drains and water lateral locations.

Section 16.18.30 Total Compliance with all Regulations

In case of failure or neglect to comply with all conditions as established during the approval process or regulations as identified in this Section, the City may refuse additional building permits and stop construction of all work at the site until such violations or noncompliance conditions have been eliminated.

Section 16.18.31 Warranty Bond

The City Council shall authorize the release of 100 percent of the bond amount upon verification by the City Engineer that all work is complete and acceptable. The remaining 10 percent of the bond amount shall be retained by the City for a period of one year to insure quality of improvements. If improvements are found to be unacceptable to the City at any time during the one-year period, the City may use the bonding funds to replace or repair any improvements not installed acceptably.

Chairman Oksner opened the meeting to public comment

Paul Christensen: I've been here for 36 years. All them homes to the east of us was never there, that was all open space and River Road use to be a real quiet little road, it use to be a dirt road actually. Now every morning and every afternoon we have traffic backed up to first north trying to turn onto Main Street, with the left-hand turn lane it did make a difference. There was a major accident three mornings ago on Main Street and River Road and when Highway 40 had a major accident a month and a half ago all of the traffic got diverted down River Road. It caused major traffic problems. When adding hundreds of more cars in this area how are we going to accommodate the traffic? As far as the height of the buildings, I've always loved my view looking out to the east and seeing the mountains, I don't want to lose that. I'm seeing so much of overwhelming amount of traffic on River Road and Main Street that it is backed up for blocks and you want to add a whole bunch more people coming into an area there. How are you going to handle it?

City Engineer; Wes Johnson: Potentially this summer maybe next summer there will be a red light on Center and Main and Main and 400 East. UDOT is currently working on that. Michie Lane is 300 South and that will be improved two lanes, a center median slash turn lane it will connect to Center Street and over to 113. By doing this Michie Lane will help alleviate the traffic on Main Street.

Kelly Ward: My main concern is the fifty-five (55) feet height on the inner corridor of the development with possible up to 20 more feet of architectural element. So, we are

talking seven (7) story's. I didn't know that we are trying to turn Midway into downtown Salt Lake, that is unbelievable. I can see the 35 feet the three (3) stories for Midway, but we are not down town Salt Lake, we don't need something that tall. This big open amphitheater, that is a lot of noise in my back yard. It's overbearing and into late at night. An indoor movie theater I don't know if Midway can sustain that Heber has a hard time sustaining their indoor movie theater. The theater being donated in conjunction with the developer is that not a conflict of interest?

Commissioner Waldrip: The donation of the land for the theater for the community performing and visual arts center I do not see any conflict of interest in that at all. I think the City has the City mothers and fathers have a very significant interest in wanting to promote the arts in general. We have the potential of making Midway a focal place for the performing and visual arts, it's already well under way with the Plein Air, the Midway Art Association, the excellent photographers we have and things of that nature. Wasatch Dance Company has a national reputation and the Cowboy Poetry needs venues they are growing out of the high school they need to have places for their Cowboy Poetry events. The same is true for the Sundance Film Festival, it could be a venue for them and for other cultural and fine arts and visual arts events. So, Midway could be a destination place that is focused on the arts. The is the kind of people you want to have come here not motorcycle gangs and that sort of stuff, but people who are interested in good clean uplifting entertainment and the arts. The concept is that this village would attract people who would come and enjoy the ambiance and the opportunity for recreation in the valley in the day time and the opportunity to visit little shops and outdoor restaurants and Cafes bistros ice cream parlors and the like in the evening. It makes for a nice mix for the Heber Valley and will attract enough people so that we can manage the difficult problem of the disappearance of the resort tax which will take a big bite out of our City treasury in 2020. We need to have an economic base in this town or everybody's property taxes are going to go through the roof. Either that or all of the things that cities are supposed to provide for people will have to be curtailed we already have an issue with infrastructure with water with sewer with roads with repairing things and making this place a good place to live we need to have a source for income and residential development does not provide that. It actually costs the city money to have residential development occur for every dollar we get in for a residential development we spend one dollar and sixteen cents in services to service that residential development. Like it or not and certainly it is understandable that people that are close by a development proposal of this type the get concerned about it worried about what the impact is going to be on their lifestyle and the neighborhood where they live, understood. We have one place in Midway that would be suitable for this kind of development and there is a high interest in using that place to do something that would put Midway on the map and give us an economic base for the future so we can afford to provide services that we all need and enjoy. Whenever development happens it is a painful process, everybody understands that. We do need to do something for Midway and this is a narrow window and kind of a one shot at doing something that would really be nice as a pose to commercial development in this area that I think that you would like a lot less.

Commissioner Streeter: We cannot tell a developer that we don't like their plan. If you are a developer and you come in front of us and you've met our code, we cannot say

no. As far as the noise coming from the amphitheater because of the way it is built you most likely will not hear the performance what you will hear is the audience like an applause. We want to insulate you as a neighbor with berms etc. so you are not having to hear and see what is going on all the time. And when it comes to the taxes every pot hole you drive over, think about this. That 97% residential 3% commercial is real albatross around our necks. We lose our resort tax, that is going to be very painful for us as a City. We will be losing 450K, that is a lot of money, that is more than our roads budget every year.

Chairman Oksner: The altitude of the inner buildings will approximately be the same height at Zermatt.

Candyce Barrett: I've lived here for well over 50 years of my life so I know change. You cannot put underground parking. I lived through them putting sewer lines through Midway they had to blast every six (6) inches because of the pot rock down Main Street. I have a lot of concerns. I hope that we are not putting in office buildings in, we already have Edelweiss building that was built in 2002 it has never been filled. I have across from my house another 12 to 20 thousand square foot office building going in. Down by Thacker's there is another office building going in. So, I'm hoping that you are not putting in more office space, because I don't know how we are going to fill them. I've spent time researching movie theaters and they are going down because people are watching them online at home through other venues. I'm concerned about the parking and size, about 10 years ago they tried to put in a strip mall and a car wash in the two (2) acre filed next to me and we fought it. The way we fought it is that there was not enough parking. The City Council went and checked it and on two (2) acres there is not enough room for a car wash, a strip mall and parking. The final thing to this strip mall car wash proposal was that River Road would not handle the traffic. We fought putting in a grocery store in that lot we gave up part of our park for it. We were told that if we put it in the down town area then it would be a walking area for the town and we would encourage more building in that area. Are you going to put Ridley's out of business? We have already promised that we would support them. How many units per acre are we putting on this proposal?

Planner Henke: Right now, it's 20 units per acre that is allowed in the commercial zone. This could increase, 40 is what is written in the code right now.

Candyce Barrett: I am all for the arts. I am a school teacher I have taught art for 30 years. I am 2.5 blocks away from the outdoor theater that is behind Tarahumara, and I do hear it. I am not saying that is a reason to not have a theater.

Commissioner Waldrip: The High Valley Arts summer theater is just in an open field. We try our best to elevate the speakers and point them down towards the audience, but there is a certain amount of ambient sound that comes out of there. Most people are willing to put up with that. The difference with an amphitheater is that the sound is down at the bottom of the amphitheater and it gets directed out into a dish/bowel and the sound goes up as opposed to out. There will be some ambient sound when a performance is going on, but the amphitheater concept with its steep slopes will help the sound gets directed up against Memorial Hill and into a dish and so it goes out and then up as opposed out into the neighborhood. Behind the stage there is a back building and the sound goes back to that building and gets reflected again back out onto the audience.

Candyce Barrett: I have been to Europe and I love it, but that places you go and see that are in the middle of Cities and not in a rural area.

Nathan Hours: I enjoy going down to River Roads and visiting and then coming back home. I think it was a Councilman that said I do not think that a tall tree is any different than a tall building. I do. As far as the amphitheater I don't mind the noise I mind the big structure.

Inez Wild: I can see that a lot of thought has gone into this, but there are a few things that I wanted to bring out. One is the noise which has already been discussed. Another is lighting and snow removal. The outdoor eating areas sound really nice but it would only be feasible about five (5) or six (6) months of the year at the most. I lost my view of Mount. Timpanogos when the Montessori school got built across the road from me. River Woods started out really well but they about went bankrupt it was resold a lot of it was even held by the bank for a while. I think this will be profitable in the summer time, but I wonder how many people will be walking through there in the winter time. I'm going to miss the geese the cranes and the deer.

Robyn Stone: There has been a flavor of Midway that have touched the hearts of the people who have come here and who have stayed and part of that is something that is very personal. There is a group that has been gathering its self together called Pure Midway and in that effort, they are trying preserve that new people those who have been here a long time, but there is a unity. They are trying to preserve open space, not only that but to have a uniquely quiet to hear the nature to walk the streams to see the animals and the noise and congestion interferes. The idea of a little European village is quant. What if it doesn't go? What if it's finances? What if it is not supported? What if it is a bad winter? There is a lot of possibilities for a venture when you speak already of concerns about money for Midway. So, if there was more homework or more evidence that this would be a successful venture instead of a gamble. Pure Midway is in favor of keeping the rural flavor of Midway. The zoning change and the things you are talking about trying to make it a tourist destination. Well, the rural flavor is what has been voted on and to preserve this current situation would not diminish the character that has allowed us to become who we are in a certain part of our inner selves. This advocating of the different talents the music the songs the dance, there are so many talented people. They often are making the comment that they need that place to ponder to be to retreat and let that flow from this beautiful Midway into what we truly want to become.

Scott Lewis: I want to comment on Pure Midway we are strong supports of Pure Midway's efforts we appreciate everything they are doing the time that is going into that effort and we appreciate the desire to preserve open space and to do that in a way that makes us all feel that we are in this rural community that we love. One of the challenges that we have is that we have gone to the City Council meetings and Planning Commission meetings is the number of hours that are spent in this community by leadership such as yourselves quibbling over \$5,000 here or \$10,000 there. Do we fix this road, do we put in this patch of sidewalk? It is painful for us to come and see this much talent and this much energy put into small decisions instead of being able to make big decisions that so things like preserving open space. The challenge with trying to preserve open space is money and resources and we do not have a tax base. As you have said, the more residential we build the more it costs us as a community and we cannot stop people from building as I understand it. If it is there land it is zoned a certain

way and they meet all of the requirements as I understand it they can build there. So, we can build more residential and fill up the open space or in the commercial zones we can just build willy nilly commercial projects like car washes and used car lots that add nothing to that character that we all love about Midway. The challenge that I see is how do we as a community build and preserve the character that we love but create a tax base so we can have our schools, our sidewalks, walkable streets and do that in a way that preserves the character of Midway? If you do not have that commercial development and it is not done in a planned way we are going to have it happen in an unplanned way and we will never have those resources to preserve open space, to build parks, to build walking trails to connect the City and the community so that we can bike and walk and enjoy those things and all those things that people come to this valley for because of the beauty that is here. From my perspective in order to preserve Midway preserve open space preserve the character we need some concentrated commercial somewhere in a place that is a destination for people so that we can have resources we need to maintain and run the town in a way we can all be happy.

Steve Stevens: Vicky and I have had the opportunity to live here for about 13 years. I'm a practical type person, what I've heard is the loss of revenue that we will lose. There has to be a proforma that I think needs to be done in this and I have not heard anything mentioned about that tonight. Is there a proforma available for us to have and to peruse?

Planner Henke: I agree, that is something that we should consider and do is go through that process.

Commissioner Streeter: What came first the chicken or the egg? We are trying to put something together that gives us a nice tax base and that is attractive. It helps that we have plan come before us, but we can't 100% guarantee that this is what you are going to get because we are working on the code.

Steve Stevens: You have 30 acres and you are going to allow 40 units per acre so that is 1,200 units.

Planner Henke: There is a lot of space that would not be used for units. For instance, there is a performing art center a required plaza and setbacks that are required. So not all of it would be used plus there is going to have to be some parking in all of that.

Jim Kohler: There is a limit to the density. The areas that can be developed residential can have up to 40 units per acre, but the whole 30 acres couldn't be developed at 40 units per acre. There is a requirement for open space for the plaza area and the other structures.

Planner Henke: The density isn't going to be limited because of the 40 it's going to be limited because of the height. I doubt that somebody can actually get that many units per acre. They would have to be some pretty small units for that to take place.

Commissioner Waldrip: Conceptually this is a blended use development where there is going to be a blend between the commercial uses and the residential uses on the very same acreage we are talking about here. The developers, they are not dumb. Before this can happen, it has to be viable and the people who have had experience in doing stuff like this will go through the numbers and the proformas and I'm sure share them with us to make sure that the whole thing makes sense and that it can pencil out. Part of that will be able to project further down the line, further than we are now because we are talking about a zone change that could accommodate this kind of feature from

Midway. We don't know what it's going to look like specifically, but that is all stuff that will be developed as we go down the road. Your comments about getting economic figures that will make sense for what we are trying to accomplish here are very important, but we can't get that now because we don't know what it's actually going to look like.

Steve Stevens: I fully understand that, but I think that it is incredibly important that you define what the zoning is going to be so we have a clear understanding of how many units will be able to be put there also the terms of height and all the other things.

Commissioner Nichols: If 40 units per acre is not really feasible why not use a lower number in the code?

Planner Henke: It could be lower. One thought is to actually just use an average density throughout the property. The limitations here are the parking, height, setbacks, and those types of things. I don't think that anybody could really get 40 units per acre. So that could be reduced.

Commissioner Nichols: I think that is something staff should look at when we go back and continue writing this code what the number reasonably could and should be. The next question that I have is, we know that the majority of this property is already zoned commercial property. Does the staff have some way of estimating if it developed along some average commercial path what the tax base would be? And do we have a way of knowing if we can do that to the question about the proforma can we determine what the difference would be under this proposed zoning as to compared what it is zoned now?

Planner Henke: We could use other commercial areas within the city and see what is produced tax wise and project that onto this area for the acreage that is actually zoned C-2 right now.

Steve Stevens: As a part of the proforma. What is the traffic impact going to be? What is the number of people that you are estimating utilizing this area on any given day? I think you've got a problem. Main Street and River Road is already full.

Commissioner Nichols: Reevaluate the parking and units does the staff have some way what the tax base would be if we can do that can we determine what the difference would be.

Quinn Calder: I like the idea of a unique flare, Midway attracts people. I've been to Leavenworth and I go to Moab to go through Moab. Rarely do I like to stay in town same thing as Jackson and Park City there are other things that draw people to those communities. Leavenworth is unique people go to Leavenworth for Leavenworth. Moab you go for Canyonlands, Jackson you're going for the Tetons or Yellowstone and Park City you're going skiing. Leavenworth has a complete and total walking Main Street, it is a nice community and it's very much like Midway in that it has a very Swiss flare. We are getting the cart before the horse. Financially it's a big concern. We have empty office space. I like the idea of a unique pull to Midway though, people are brought here for a rural environment in the mountains. It's a great starting point to go motorcycling, we are unique in one aspect that dirt biking can be done right from our homes here This is the only place on the Wasatch front that we can motorcycle right from our yards and to the mountains. The rest of the Wasatch front is hiking and horseback riding. West Yellowstone has a theater called the Play Mill Theatre, they get millions of people through West Yellowstone because they are a gateway to a very unique park. The Play

Mill Theatre is not this big or tall, from the exterior it looks like a single-story building. I do not want to be financially committed to something that will be vacant, that is a huge fear. There are other developments that will be going in on River Road and something is going to need to be done there. I think that we can slow the growth and I don't know if you want that, I would like that. You can limit the number of permits issued per year. I know communities that do that, I know we don't. I know Charleston limits the permits they issue each year. So, I guess the question is, do we want this right now? Growth is inevitable I'm for bonding rural areas and maintaining that. I'm fairly new here, and I'm here because of the mountains and the beauty of this valley and I think that it is very unique. I would like to see this unique accent somehow, but there really needs to be a financial responsibility with it. I think that the conceptual art that we saw isn't for a while it's a long way out, if we approach it carefully. I just can't see sustaining that right now. This is a personal thing I think that this leans very strongly towards the performing arts. I think that it would leave out the Midway Arts Association. I'm a photographer on the side. I would like to see when this conceptually comes together I don't know how you are going to address that. It seems like a theater, it seems like a Tuacahn is what we are shooting for and we are leaving out photography and painting. It seems like you are giving precedence to theater. If there is a percentage you could put on there for visual arts. We have an established group, Plein Air and they draw a lot of people over the fourth of July. I would like to see a location in the building designated to visual arts.

Commissioner Waldrip: The visual arts will be included. There will be a gallery for display.

Chairman Oksner: I'd like to recall something that happened this winter. Soldier Hollow held a junior world cup or something like that. Zermatt was full, there was a team running by my house every morning in 15 minute intervals from 42 countries. Soldier Hollow has gotten a grant from the Olympic foundation and they are going to be drawing sizeable groups and they bring in a lot of people because we have one of the few Olympic cross country venues in the country. People come all around to train. If we offer something like this these are people who will come back maybe in the summer time because they know it is here. Biking riding is a big event here, we have the two stages of the Wasatch Tour of Utah. There is so much opportunity here. We have to do something to this town to maintain it.

Commissioner Streeter: Please understand the process that goes on here. We have to write the code first. We write the code with ideas floating around so here is the storage unit idea here is a PUD idea here are some development ideas here is this art center idea. It is not our job to sit there in every commercial business that comes before us or every residential development that comes before us, it is not our job to say we really don't think this is going to fly financially. We can't do that. What we can do is try and be smart, we can try to address issues, but we can't do it in a super specific way, it's not our job and it is not the way that they process works. The code has to be written first. Now why are we trying so hard to do this now? Because those storage units showed up and we couldn't say no. As everybody has said, we pretty much have only once chance to get this right. We can't tell these land owners no you can't sell it. It's their right they can sell it, they can sell it to whomever they want and whoever buys it can do whatever they want. If we do not get a code in place that directs the process along we can end up here with the same wall to wall stucco houses that we get in a lot

of places. That is why we are trying to do the code now. We are still trying to refine this code and we want you here so we can take your comments to this draft code and try to make this better code. I want you all to understand the process so you can see what we can do and what we can't do.

Holly Bodily: As I understand it, we as citizens get to help write the code. Losing our resort tax base. How many resort type units would be going in and would that be enough to offset the potential property tax increase so property taxes do not have to be risen as much or have we already shot ourselves in the foot?

Planner Henke: We have already shot ourselves in the foot because of how the zoning was set up decades ago is what has led us down this path. In order to preserve that tax base there would have to be another Zermatt built within the next three years.

Commissioner Waldrip: The purpose of having the increase in the commercial base is to substitute for that lose.

Holly Bodily: We chose to live here for the ruralness and of course we all want to preserve that as much as possible, but I also want to hope that I am educated enough realize that we do need a tax base and I won't dispute that one bit. I like the concept, I like the arts just maybe not to this large of a scale, we are a small town. Where are these people going to come from to support these businesses? If they are coming from out of the valley that will create traffic issues. I like this idea and I support it, I just don't like the grandeur of the scale. If we can scale back but still preserve the valley and our views and keep it as rural and open as possible and still allowing businesses then I think that would definitely benefit the community better. Most of us do not want to see this is our back yard. We are not protesting that the zoning gets changed and something good is don, it's more let's keep it realistic to our valley

Chairman Oksner closed public comment

Commissioner Ream: This is the concerns that I am hearing from the public.

- Traffic, particularly on River Road
- Noise from the outdoor venue
- View blockage due to the height of the buildings
- Parking
- Loss of open space
- Liability of the development, what happens if it goes under?
- At least from the video shown the buildings are too grandeur
- Someone mentioned a theater in Washington. We have a couple of examples closer one is down in Cedar City and the other is up in Logan. Neither are that tall or too grandeur.
- Need to include other art groups

Any further comment from the commissioners

Commissioner Nichols: Clearly this code is not ready for us to make a decision on, there is a lot that needs to be filled in and revised. I'd like to send it back to staff. The list that I kept is as follows.

- In the table have a quantification of what is open space that would be provided in

- order to get the incentive
- Quantify how much land needs to be donated in order to get that incentive
- We've heard pretty clearly from the public that the height is excessive beyond what folks want. So, I think that we need to look at knocking that down
- We need to further define what would be the buffer between the commercial properties and the nearby residential properties
- We don't have a definition for the phasing as far as how much residential can be built along with commercial
- We've heard about the 40 units per acre, but that is not practical nor is it desired by the public that we are hearing from. I think that needs to be revised downward.
- Parking has a huge issue. Staff needs to work on what the parking requirements are going to be for this zone
- Doing a proforma where we looked at what tax revenue is coming from other C-2 areas already in the City and trying to project what our tax revenue would be from this area if it remains C-2 and then try to compare that to what we would expect the tax base to be if it were rezoned as the proposed C-4 so we can have some answer to the question of what tax benefit are we actually getting from making this zoning change.

Commissioner Streeter: Also, people had a problem with the height. It seems like the biggest thing that people had a problem with was the 50% on the 55 feet high. Also, can we have it that the berm has to be a part of the first phase? Also, how do we take everyone's concerns about River Road; take that to UDOT and get some kind of an answer?

City Engineer; Wes Johnson: As I stated before, UDOT is underway with a design for a traffic signal there possibly this summer. Traffic congestion is relative to your perception. Meaning we've grown up in Midway on River Road and we can pull out whenever we want knowing there is not going to be a car, now I have to wait for one car now it is congested. When the application came in for Indian Summer we felt like we wanted a center turn lane and so we did a traffic study for two weeks on River Road. The number of cars on River Road wouldn't even justify a center turn lane. They classify road ways as level of service A through D. Level of service A is uninterrupted flow I can go however I want change lanes when I want. Level service B, now I need to kind of be careful look in the mirror before I turn. Level of service D is I-15. River Road classified as a level of service B. River Road is becoming more congested, but it is not even getting close to its compacity yet.

Commissioner Ream: Can we come up with a decibels limit? The concern would be from the outdoor venue.

Planner Henke: We do have that in the code now. From 6am to 10pm the maximum allowed from the property line is 75 decibels. During the night time hours, anything after 10pm is 55 decibels. There is a perception that if you can hear something it is violating he noise ordinance, but that is really not the case.

Commissioner Streeter: How will lighting be addressed?

Planner Henke: Dark sky compliance depends on how you define dark sky. You can have a light to where nothing shines upwards so if you're in a plane you won't see it, but if you're looking across the field you'll see it. There is another light that the light bulb is

in a bowl and it completely shined downward onto the property. Our code doesn't really define what dark sky is except that it cannot shine upwards, but I think a lot of the sensitivity that we are hearing with development is that light that shines directly to the next subdivision or across the field. To address that we would have to define what that cut off angle is so all the light produced would shine downwards on the property where it is located.

Commissioner Waldrip: This is a time sensitivity to all of this. If we don't do employ this kind of control feature on this land we may lose the ability to do it.

Planner Henke: Possibly the property could develop under the current zoning.

Commissioner Waldrip: It is very possible to create zoning requirements that will take it completely out of the practical ability to develop the property. We have to listen to the developers and make sure that we don't zone ourselves out of the possibility of doing what we think might be a really good thing for the community. In the sensitivity for the height if we could somehow build into the code the opportunity to adjust that height if we restrict it like I think we are heading toward doing maybe the opportunity to adjust that overall height in the case of special circumstances like a building that is going to be right up against the hill. That height makes less difference if it is up against the hill it is not interrupting the skyline. We do not want to have an architectural limitation for example arts center building that will make it look stubby. We'd lose the charm of the bell tower and the kind of look that we want to get. I urge that we might want to be careful about being too limiting and maybe give a safety valve in there. Anybody that has been to St. Petersburg knows that the charm of the city is some of those wonderful slender steeples on the churches there are breath taking. We don't want to lose that if we can avoid it. I'm not talking about going up 150 feet in the air like some of those do, but there is something incredibly beautiful about a tower. That is why everybody builds them and to stufify this development in the interest of keeping everything down. There is also something to say about the sight triangle when you are looking at a 30 or 35-foot-tall building from your yard it will project upward like that and block out a building that is 100 feet back that is 45 to 50 feet high, you won't see it.

City Engineer; Wes Johnson: Addressing open space. What do you consider open space? This public gathering, an ice rink in a PUD we consider a gazebo as a part of the open space. Are you talking a field as open space or what are you saying? I think that a value of open space would be landscaped area. Do you have a four (4) foot park strip or do you have a six (6) foot or a ten (10) foot park strip with landscaping?

Planner Henke: We are looking at limiting park strips because that is against what we are trying to do. Although, we do want to have some landscaping.

Commissioner Nichols: I don't know what we are going to define as the necessary buffer between this and the residential, but if we had some minimum there and a developer was willing to add to that buffer I would consider that open space.

Commissioner Waldrip: There is some merit to the idea that we need to get a code. If it turns out that it needs some repair work, almost all codes are, it can always be amended. Rather than waiting to get everything exactly right before we launch I think we can make a reasonable effort to try to get all of the features in the code that we want and then trust that if there is a problem with it we will amend it.

Commissioner Streeter: I appreciate what Commissioner Waldrip is saying and if we wait too long on this the window will close.

Commissioners: Items number four (4), five (5) and six (6) will be treated as a packaged deal. We will be sending all of this feedback to staff for them to polish the code for us to look at for our next meeting. The code needs to be defined before we can rezone them to a new zone.

There was a letter given to all the members on the Planning Commission and Commissioner Waldrip wanted to make a comment regarding the letter.

Commissioner Waldrip: There is a concern on the part of Mr. Steve Nielson that I may have a conflict of interest or some sort of a moral dilemma here. I do not consider my involvement with High Valley Arts to be a conflict of any kind, because the proposed arts center is for all of the arts. I think that it is helpful to have the insight from at least one of the arts groups considering what impact it might have with respect to the arts. However, High Valley Arts has made a financial contribution of sorts. It has a financial interest in one of the parcels of property that are involved in the proposed development that is under contract right now and for that reason because of the financial interest in the property its self in abundance of caution I think it's reasonable for people to believe that might create some sort of an impediment for independent evaluation of the zoning of the property that High Valley Arts has a financial interest in. I will not be voting on the C-4 zone unless that financial interest goes away. I wanted to make everybody aware of that and that I am conscience of the situation and let you know that I will participate in the discussions, but I will not be voting when the C-4 zone comes up for recommendation to the City Council.

ITEM: 5

Midway City is proposing to rezone four parcels from the C-2 zone to the newly proposed C-4 zone that would cover the general area from 400 East to 700 East along the north side of Main Street. This zone will be walkable and is envisioned to have a central plaza with surrounding commercial and arts related businesses along with residential.

ITEM: 6

Midway City is proposing to rezone three parcels from the R-1-11 zone to the C-4 zone. The parcels are located south of Memorial Hill from about 450 East to 580 East. The property proposed to be rezoned is approximately 6.7 acres in size.

BACKGROUND & ANALYSIS:

Midway City is proposing a zone map amendment of two parcels of about 6.7 acres in size that are currently zoned R-1-11 or partially zoned R-1-11. The City is proposing that all three parcels are rezoned to the proposed C-4 zone. This proposal is based on the newly revised Midway City General Plan. Through the General Plan review process and based on previous development proposals for the area, the City has arrived at the conclusion that the property in question is more valuable to the entire community zoned C-4 instead of R-1-11. The City is currently pursuing the adoption of a C-4 zone that would include the 6.7 acres proposed to be rezoned. The purpose and intent of the C-4 zone is the following:

The purpose of this district is to create a community gathering area that is focused on tourism and retail. This district will be walkable and is envisioned to have central plazas with surrounding commercial and arts related businesses and activities generally on the street level and residential on the upper floors and surrounding buildings. The C-4 zone provides for a mix of commercial, office, retail, arts related activities and multiple unit and attached residential uses of a higher density along Midway Main Street. Site and building design will be of a quality that enhances the character of Midway and offers a cultural and retail gathering area for the residents, visitors and tourists. A wide range of commercial and residential uses are allowed, including regional scale retail; provided, that it is compatible with the overall sustainable character of the area by fitting into an interconnected street network.

Over the past year, the City has received several development proposals for the three properties. These include hundreds of storage units on two of the parcels and two residential developments on the other. None of the proposed developments were considered to be very beneficial for the entire community. Based only a tax perspective, the residential developments would have cost the City revenue and the storage units would have created a very minimal gain for the City based on the fact there is no sales tax charged for storage unit rentals. These proposals made many aware that the properties will develop but if the City would like them to develop into something beneficial for the entire community then a change in the zoning needed to take place. Rezoning these parcels is an important step in creating this commercial district.

The three parcels are the following:

Property owner	Parcel Identification	Acreage
Horizon Provider LC	OMI-0535-2-035-034	2.5
Brent Gold and John Demkowicz	OMI-0534-0-035-034	3.7 of an 8.93-acre parcel
Karl Dodge	OMI-0535-1-035-034	0.5

The Horizon Provider LC parcel is completely zoned R-1-11. The Gold and Demkowitz parcel is currently divided into two zones. The majority of the parcel (about 5.23 acres) is already zoned C-2, leaving 3.7 acres in the R-1-11 zone. If the rezone is approved, then the entire 8.93 acres would be zoned C-4. The Karl Dodge property is a small sliver of R-1-11. Staff has always considered the entire parcel to be C-2 but the proposed rezone will clear up any questions

regarding the zoning for the entire parcel. Staff has met with the owners of the properties and the owners have verbally given their support for the proposal.

Another reason for rezoning the property is to prepare the area for a performing arts center that is currently in the planning stage. A valley wide committee has been formed that is exploring how to fund the center and where it should be located. The site just north of the proposed rezone is the best location that has been identified. Between the overlay zone, with its restaurants and retail, and the potential resort area to the north there can be a good synergy of uses that will help build each other up. The performing arts center will be an anchor to create activity in the district. Because these two parcels fall in between where the arts center is planned and the commercial area to the south it is important to not dissect the district with a relatively low density residential development.

This is a legislative matter so unless the City feels this is truly beneficial for the entire community then the zone change should not happen. The newly revised General Plan does support this rezone especially in the Economic Development and Resorts chapter.

POSSIBLE FINDINGS:

- The proposal is legislative matter
- The proposal will help create the vision of Midway as described in the General Plan
- The proposed rezone will help secure the area for the performing arts center which will benefit members of the community and businesses in the area
- The proposal will help create a better economic base for the community
- Rezoning the property allow commercial/residential development in the parcels and not allow purely residential development on the property which would, most likely, have a negative financial impact on the City

ALTERNATIVE ACTIONS:

1. Recommendation of approval. This action can be taken if the Planning Commission feels proposal is acceptable and in the community's best interest.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
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 for denial. This action can be taken if the Planning Commission feels that the request is not acceptable and not in the best interest of the community.
- a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

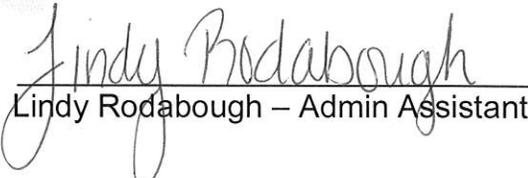
ITEM: 7

Adjournment: Motion to adjourn Mr. Chairman

Time: 10:15 pm



Steve Nichols – Chairman



Lindy Rodabough – Admin Assistant

