

## Midway City Planning Commission Regular Meeting July 18, 2018

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., July 18, 2018, at the Midway City Community Center  
160 West Main Street, Midway, Utah

### Attendance

Jim Kohler – Chairman  
Stu Waldrip – Vice Chairman  
Jeff Nicholas  
Kevin Payne  
Natalie Streeter  
Rob Bouwhuis  
Bill Ream  
Nancy O'Toole

### Staff

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

### Excused

Jason Jenkins

### 6:45 P.M. Work/Briefing Meeting

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

### 7:00 P.M. Regular Meeting

#### Call to Order

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

#### Item: 1

Review and possibly approve the Planning Commission Meeting Minutes of June 20, 2018.

**Motion:** Commissioner Streeter: I move that we approve the Planning Commission meeting minutes of June 20, 2018, with the corrections given to Melannie.

**Seconded:** Commissioner Nicholas

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners Streeter, Waldrip, Ream, Nicholas, Bouwhuis, Payne, O'Toole  
**Nays:** None  
**Motion: Passed**

**Item 2:**

Berg Engineering, agent for David Epperson, is requesting a preliminary/final approval for a small-scale subdivision. The proposal is 0.49 acres in size and will contain 1 lot. The property is located at 65 West 250 North and is in the R-1-9 zone.

**Planner Henke gave a presentation**

- **Land Use Summary**
- **Discussion Points**
- **Water Recommendation**
- **Possible Findings**

**Commissioners and Staff discussion**

- Differences of using a hammer verse a cutter when removing the pot rock.
- What happens when someone interrupts a neighbor's water, via excavation, was determined that it would be a civil issue.
- Conditions could possibly be that there could be no basement.
- Possible use of a rotary devise to excavate.
- Concerns regarding a possible duplex and water recommendations

**Chairman Kohler opened the meeting for public comment**  
**Chairman Kohler closed the meeting for public comment**

**Motion:** Commissioner Ream I move that we recommend to City Council approval of the Epperson Subdivision located at 65 W 200 N. We also include the city engineers' wording that all trenching would be done with a rotary rock saw and not a hammer. Along with the water requirements to be 1.72-acre feet for a single residence only. A duplex would have to be re-visited.

**Seconded:** Commissioner O'Toole

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners Streeter, Waldrip, Ream, Nicholas, Bouwhuis, Payne, O'Toole

**Nays:** None

**Motion: Passed**

**Item 3:**

Berg Engineering, agent for Mark Angelos, is requesting a Plat Amendment of The Cascades at Soldier Hollow. The proposal is to combine lots 36 and 37. The property is located at 1060 South Cascade Falls Circle and is in the R-1-15 zone.

**Planner Henke gave a presentation**

- **Land Use Summary**
- **Possible Findings**

**Commissioners and Staff Comments**

- Density decreased, open space increased and less traffic by combining two lots.
- Laterals are located and capped at the Main. It is a standard requirement.
- No public street, right of way or easement will be vacated or altered

**Chairman Kohler opened the meeting to public comment**  
**Chairman Kohler closed the meeting to public comment**

**Motion:** Commissioner Nicholas I move that we recommend approval of the plat amendment of the Cascades at Soldier Hollow, to combine lots 36 and 37 Property is located at 1060 South Cascade Falls Circle and is in the R-1-15 zone. That we accept the staff report and the staff findings that state that the potential trips per day would be reduced and the density would be reduced, and the area would feel more open because of the reduction of one lot and no public street, right of way or easement will be vacated or altered.

**Seconded:** Commissioner Streeter

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners Streeter, Waldrip, Ream, Nicholas, Bouwhuis, Payne, O'Toole

**Nays:** None

**Motion:** Passed

**Item 4:**

Berg Engineering, agent for William Fairbanks, is requesting a Conditional Use Permit for a mixed-use development of the Swiss Square Development. The proposal will contain four residential units that will be sold individually and be maintained by Swiss Square Owners Association. The property is located at 210 East Main Street and is in the C-2 zone.

**Planner Henke gave a limited presentation**

- **Land Use Summary**
- **Discussion Points**
- **Possible Findings**

### **Commissioners and Staff Comments**

- Mixed-use, 20% commercial square feet, the proposal has 42% and up to 80% for residential, the proposal has 58%.
- Discussion regarding water containment and retention pond. Pond would have to be flushed out and make sure it fits with landscape.
- Parking issues and ways to increase parking if needed. Parking requirements have been met to code.
- The two parcels must be combined into one parcel to create the PUD.
- Discussion regarding twin home vs condo and who would be responsible for maintenance and home upkeep and CC&Rs.

### **Applicant; Paul Berg and Mr. William Fairbanks**

Mr. Fairbanks stated that his buyers like the twin homes as opposed to a condo. The building is mostly maintenance free for the most part.

Mr. Berg reiterated that the parking met all code requirements and at this time is not planning on increasing the parking but will keep it in mind if it is needed in the future.

No further discussion?

**Motion:** Commissioner Payne: I move to approve item number four (4), the Conditional Use Permit for Mixed Use Development of Olde Swiss Square Development, the proposal will contain four residential units that will be sold individually, and the units will be maintained by the Olde Swiss Square Homeowners Association. The property is located at 210 East Main Street and is in the C-2 zone. We accept staff's reports and possible findings. With the condition that is in the engineer's report that the storm water be contained.

**Seconded:** Commissioner Streeter

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners Streeter, Waldrip, Ream, Nicholas, Bouwhuis, Payne, O'Toole

**Nays:** None

**Motion: Passed**

## **Item: 5**

Berg Engineering, agent for Clint Kelson, is requesting a Plat Amendment of the Kelson Subdivision – A Rural Preservation Subdivision. The proposal is to change the common area on the recorded plat to open space. This parcel would continue to have no residential building rights. The proposal would also amend the lot lines for lot 1 and the common area parcel. Lot 1 would reduce in size while the common area would increase in acreage. The proposal is located at 943 West Alpine Road and is in the R-1-22 zone.

### **Planner Henke gave a presentation**

- **Land Use Summary**
- **Discussion Points**
- **Possible Findings**
- **Proposed Conditions**

### **Commissioners and Staff Comments**

- A discussion ensued regarding the different types of taxes on open space and common area, the differences between rollback taxes and every year taxes.
- The assessor's office recommended the change from common area to open space. It is the correct tax structure for the use of the property.
- Not allowing upgrades on agricultural buildings is overreaching. Barns and corrals need maintenance. Building a shade structures or hay barns for animals is consistent with the use of the open space land. We want a rural feel and a true rural preservation so long that there is no residential use on that property.
- Open space can be private but can have restrictions of building residential dwellings on it.
- Owners are voluntary declaring the "open space" and a tax advantage is ok. Is not giving a tax break, just a different means of paying.
- The owners of other lots will have to relinquish ownership of the common space and separate the ownership of the "common space" for the other lot owners. The properties can be sold with the same restrictions.
- Deed restrictions must be recorded on lot 1B that no residential building rights on the open space lot.
- Deed restrictions must be recorded on the entire plat that there shall not be any further subdividing within the Kelson Rural Preservation Subdivision.

### **Representative; Paul Berg**

- Discussed the difference between open space and common area, the taxing differences and the voluntary restrictions regarding future residential dwellings.

**Chairman Kohler opened the meeting to public comment**  
**Chairman Kohler closed the meeting to public comment**

**Motion:** Commissioner Waldrip: I move that we recommend to the city council to approval of the request to amend the Kelson Subdivision plat, to change the common area on the recorded plat to open space in the configuration of the proposed plat. Accept the report and of the staff with respect to it, find that the changing the wording on the plat from common area to open space has no impact on the subdivision complying with code for Rural Preservation Subdivisions and that lot 1B on the proposed plat will be restricted and not have any residential building rights and these restrictions will be noted on the plat itself. Subject to the following two conditions, that the deed restriction must be recorded on lot 1B to limit building rights such that there will be no residential construction on that lot, and two, that deed restrictions must be recorded on all lots in the Kelson Rural Preservation Subdivision as amended to restrict any further subdividing and that notation be on the plat before it is recorded and for consistency, lot 1B shall be designated as open space.

**Seconded:** Commissioner Streeter

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners Streeter, Waldrip, Ream, Nicholas, Payne, O'Toole

**Nays:** Bouwhuis

**Motion: Passed**

**Item: 6**

Matt Watkins, agent for DPW Heber Inc., is requesting Master Plan Approval for the Saddle Creek Ranch Subdivision. The proposal is a large-scale subdivision that is 32 acres in size that would be developed in four phases containing a total of 36 lots. The property is located at 970 South 250 West and is in the R-1-22 zone.

The following item has been removed from the agenda by the applicant:

*Matt Watkins, agent for DPW Heber Inc., is requesting Master Plan Approval for the Saddle Creek Ranch Subdivision. The proposal is a large-scale subdivision that is 32 acres in size that would be developed in four phases containing a total of 36 lots. The property is located at 970 South 250 West and is in the R-1-22 zone.*

It is unknown when the item will be placed on a future agenda.

**Item: 7**

Midway City is proposing a code text amendment of Section 16.13.39: Off-Street Parking and Loading. The proposed code will increase the number of parking stalls required for commercial developments

**Planner Henke gave a presentation**

- **Parking Concerns**
- **Points of Discussion**
- **Possible Findings**
- **Proposed Conditions**

**Commissioners and Staff Comments**

- Residents and City Council members have shared concerns about parking and this is a beginning stage of the discussion.
- The main concerns are commercial generated parking in front of residences and that the parking required by the code is not enough and will create a compounding issue.
- Code states that if the commercial use stays the same than the parking requirements will remain the same. Lola's was given as an example of this. It is not a business owners' issue, it is a City issue and would have to address.
- Must look at the vision of Midway City and the General Plan to make sure that any adjustments to be made that Midway City is still meeting that vision. Looking at the General Plan, there is evidence that changing the code would help continue that vision.
- If looking at a parking structure or shared public parking lots, land must be identified and if no action taken soon, there may be no land left to purchase in a good area for this purpose.
- Residential parking passes for certain residential streets within the Commercial Zones could be a possible solution.
- Must come up with unique solutions for the vitality of Main Street. Design features to be helpful for pedestrians, center strips, so people are not afraid to walk across Main Street.
- Continue discussion over one or more working sessions, to identify the real issues, discuss solutions and create a plan and encourage the walkable area.

**Chairman Kohler opened the meeting to public comment**

**Jennifer Brewer commented @ 17:8:26**

**Consider that the commercial business on Main Street is thriving and busy and plan accordingly with the parking plan, work toward long term and not just a short term solution, along with keeping new residents and business in mind also. Work toward later down the road solutions.**

**Glen Badley commented**

Asked why the Granary did not put a curb and gutter in front of the business. Engineer Wes Johnson explained that they did, it is a flat ribbon curb and gutter, UDOT driven cost installing a storm drain system in the pot rock.

Chad Marson remarked about the parking for the new Corner store and he is concerned about the street parking. Having the Corner Store, the Bakery and the Quilt Store all at that corner. And when the quilt store has a sale there is no parking all the way down 200 North. He wants the business to thrive and survive and he loves the walkability. Worried that even with a parking structure it will not be popular, because people will still want to park on the street near the businesses and the front of his property is already a parking lot and it is only going to get worse.

**Chairman Kohler closed the meeting to public comment**

**No action needed. Open dialogue and discussion**

**Motion:** Commissioner Payne: Motions to take the discussion to a working session. 1<sup>st</sup> session to identify the issues that need to be tackled first. Meeting on August 7<sup>th</sup> @ 4pm, upstairs in the conference room.

**Seconded:** Commissioner Streeter

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners Waldrip, Ream, Nicholas, Bouwhuis, Payne, O'Toole

**Nays:** None

**Motion:** Passed

### **Item: 8**

Midway City is proposing a General Plan amendment. The proposal would amend the Road System Master Plan by removing the planned road 600 North from River Road to the Provo River.

### **Planner Henke gave a presentation**

- **Discussion Points**
- **Possible Findings**

### **Commissioners and Staff Comments**

- The Road System Master Plan will be more accurate if amended.
- Removing the planned 600 North road will allow the city to acquire property to

- allow a roundabout that will be a communal benefit
- It is unlikely that the future planned 600 North East of River road will be built and it may never be needed.

### **Chairman Kohler opened the meeting to public comment**

### **No Public Comment**

### **Chairman Kohler closed the meeting to public comment**

**Motion:** Commissioner Bouwhuis: I make a motion that we amend the Road Systems Master Plan for Midway City within the General Plan and remove the continuation of 600 North, east of river road as shown on the map and make other modifications to match the existing conditions as noted in the plan.

**Seconded:** Commissioner O'Toole

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners Streeter, Waldrip, Ream, Nicholas, Bouwhuis, Payne, O'Toole

**Nays:** None

**Motion:** Passed

### **Item: 9**

Midway City is proposing a Code Text Amendment for the Midway Rural Preservation Subdivision located in Section 16.18 of Midway's Land Use Code. The purpose of the subdivision is to promote five-acre lots to help preserve the rural atmosphere in Midway by reducing density and preserving open space.

### **Planner Henke gave a presentation**

- **Proposed Amendment**
- **Discussion Points**

### **Commissioners and Staff Comments**

- **Animal Rights.** Removing the section on animal rights will allow the Rural Preservation code to match the rest of the Land Use Ordinance.
- **Eliminate the 300' x 300' building envelope on lots 5 acres or larger.** Removing the open space section will allow for more flexibility for building placement and would allow for a barn to be located away from the dwelling.
- **Eliminate the subdivision specific setbacks for Rural Preservation subdivision and use the standard zone setbacks.** Amending the setbacks section will be easier to administer because setbacks will not be specific to the type of

- subdivision, but they will be specific to the zone in which the lot is located.
- Remnant agricultural parcels. Examples: Jones Farm and Lime Canyon.

**Chairman Kohler opened the meeting to public comment**

**No Public Comment**

**Chairman Kohler closed the meeting to public comment**

**Motion:** Commissioner Streeter: I move that we approve Midway's proposed code text amendment of the Midway Rural Preservation Subdivision Code located in Section 16.18 of Midway's Land Use Code That we accept the changes that staff has suggested and accept staff's findings. The issue of discussing remnant parcels to be continued and take the discussion to a working session to be determined at a later date.

**Seconded:** Commissioner Payne

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners

**Nays:** None

**Motion:** Passed

**Item 10**

Non-entitlement review of a Mountain Spa concept plan. The property is 78.53 acres and is in the R-1-22 zone and the Recreational Resort zone and is located south of Burgi Lane and west of River Road.

The following item has been removed from the agenda by the applicant:

Non-entitlement review of a Mountain Spa concept plan. The property is 78.53 acres and is in the R-1-22 zone and the Recreational Resort zone and is located south of Burgi Lane and west of River Road.

It is unknown when the item will be placed on a future agenda.

**Item 11**

Non-entitlement review of the Gardner Subdivision concept plan. The property is currently a recorded plat named the Snake Creek Subdivision. The property is six acres and is in the R-1-22 zone and is located at 250 West and 970 South on the southside of 970 South.

**Planner Henke gave a presentation**

- **Land Use Summary**

**Commissioners and Staff Comments**

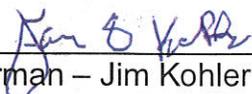
- Developer is planning on go Clomer and Lomer Process which is a modification of the Flood Plain Map. Clomr is a conditional letter of map revision, if approved then a map revision can be applied for which is the letter of Map revision which is the Loma portion.
- Dig the channel deeper or fill it in to modify the FEMA Flood Plain. The lowest floor must be 18" above the high mark of the flood.
- Sewer line needs to be connected. Require that the water would need to be extended to the end of the property.
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line.
- Transmission lines on 970 South. Preliminary design to see where the right of way limits are.
- The culvert must be addressed at the preliminary stage.
- Open space at 15%

**Item 12**

**Adjournment**

**Motion:** Commissioner Waldrip: I move that we adjourn.

10:30pm

  
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Chairman – Jim Kohler

  
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Admin. Assistant – Melannie Egan

