

Midway City Planning Commission Regular Meeting February 17, 2016

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., February 17, 2016, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance:

Mickey Oksner – Chairman
Steve Nichols – Co-chairman
Nancy O’Toole
Stu Waldrip
Natalie Streeter
Jim Kohler

Staff:

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

Excused

Chip Maxfield
John Rather
Bill Ream

6:50 P.M. Work/Briefing Meeting

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

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 Minutes of January 20, 2016

Motion: Commissioner O’Toole: I move that we accept the minutes.

Seconded: Commissioner Nichols

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

Nays: None

Motion: Passed

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ITEM: 2

Kim H. and Jean V. Hoover Family Trust is requesting a Conditional Use Permit for a mixed use development that will include a commercial building and a four-unit apartment building that will be called Mountain Goat Apartments. The property is located at 269 East Main Street and is in the C-2 zone.

BACKGROUND:

This request for a Conditional Use Permit (CUP) by Kim and Jean Hoover is for a mixed use project that will include a commercial building and four residential units. The parcel on which the project is proposed is zoned C-2 and currently there is one dwelling on the property that will be converted into a commercial building and there are also three outbuildings. The parcel is 0.4 acres in size and has about 70 feet of frontage on Main Street.

The City's Land Use Code does allow mixed use projects in the C-2 and C-3 zones as a CUP as long as requirements are met. First, the commercial square footage of the project must be at least 20% of the square footage of the entire project. The applicant has met this requirement because each apartment is 1,000 sq. ft. (4,000 sq. ft. total) and the existing dwelling that will become commercial is 1,023 sq. ft. The commercial area will not be allowed to return to residential and a deed restriction is a possible option to make this permanent. Other requirements include a visual and architectural review and recommendation of the project by the Visual and Architectural Committee (VAC) which took place on February 9. Also access requirements need to be approved by the City and UDOT since Main Street is a state maintained road. Parking requirements include two stalls for each residential unit and in commercial buildings there must be one stall for each 250 sq. ft. of area devoted to public use. Finally, water requirements must be met which include the dedication of water rights that are needed for the project. The Water Board reviewed the project on February 1 and their recommendation will be stated later in this report.

The applicant's proposal includes converting the existing dwelling into either a retail space or professional offices. The parking requirement is the same for either being one stall for each 250 sq. ft. that is devoted to public use. The exterior of the existing home will not change and the VAC has not recommended any architectural changes to that structure. They have recommended that the existing driveway is removed when the new 20' wide driveway is constructed. This will create a more visually attractive property with more landscaping in the front setback of the project and less impervious surface as long as there is only one driveway accessing the property. This will also make the access safer for pedestrians on the sidewalk by reducing the driveway crossings and vehicles will not need to back out onto Main Street. The new driveway access will allow vehicles to completely turn around on the property and pull forward onto Main Street. The northwest area of the existing dwelling will be demolished to make room for the new driveway. This section of the home was an addition to the historic structure which will remain. There are also two accessory structures that will be demolished to make room for the proposed driveway. One detached garage will remain and the garage will be used as storage for the future business and storage for apartment renters that would like to lease some storage space. The north area of the 250' deep lot will be developed into a four-unit apartment building. The building has been

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reviewed by the VAC and their recommendation will follow in this report. Basically, each unit will be about 1,000 sq. ft. with each unit having two open air parking stalls. The units will be stacked with each unit only covering one floor. Special detail has been planned regarding the placement of the windows. The applicant has done this to help maintain the privacy of the surrounding property owners.

One request by the applicant is to reduce the side and rear setbacks of the apartment building. The required setback is 15' for both sides and also for the rear. The applicant is asking that requirement is reduced to a 4' 2" setback on the west boundary, a 1' setback on the east boundary, and a 5' 3" setback on the north boundary. The applicant is asking for this setback because there are no structures on the neighboring properties in the vicinity of the proposed building. Also the applicant has stated that if the surrounding properties become commercial in the future there will be no required setback on the two side setbacks. The City Council may approve reducing the setback requirements based on specific circumstances of the site and building orientation or specific use of the proposal.

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

ANALYSIS:

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

1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code; *planning staff believes that the proposal will not impair the integrity and character of the C-2 zone. The proposal appears to comply with the requirements specific to mixed use developments as listed earlier in this report. The design of the project does generally follow the architectural guidelines listed for commercial development in the C-2 zone; the VAC has reviewed the project. Also, as staff has analyzed the proposal it appears that it will comply with the provisions of the Code.*
2. The proposed use is consistent with the General Plan; *the proposal does meet the vision of the General Plan by creating a mixed use environment that helps create an active and vibrant Main Street. The architecture of the proposed building also does include some of the architectural suggestions as listed in the code. The office space/retail that will be located near Main Street also does comply with the vision of the General Plan.*

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3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *the business that will be located in the development is required to have an approved business license with the City. The business will need to apply for a license and it will be issued once all the requirements are met.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *the proposal will be engineered for drainage and all increased runoff will be captured and stored in sumps or detention ponds that will be installed on site.*
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *the proposed uses will create more traffic for the area and that is expected in the commercial zone. Traffic will increase to the property and on the surrounding roads.*
6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the location is suitable for this type of business.*
7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to insure that the proposed use would not be detrimental to public health and safety; *UDOT will need to approve the driveway locations since Main Street is a state road.*

WATER BOARD RECOMMENDATION:

The Water Board recommended that 4-acre feet of water are dedicated to the City to meet the water use requirements for the proposed apartments (1-acre foot for each new residential unit). The existing dwelling will receive a credit for one connection and for the existing landscaped/pasture area. This credit will cover the water requirements for the commercial building and the proposed landscaping.

VISUAL AND ARCHITECTURAL COMMITTEE:

The Visual and Architectural Committee recommended six changes to the proposed plans. The applicant is updating the renderings and site plan to reflect those recommendations and those drawings will be available at the Planning Commission meeting. The drawings that are attached to this report are the pre-recommendation drawings.

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POSSIBLE FINDINGS:

- The proposed use is a conditional use in the C-2 zone.
- The proposal will increase traffic to the area.
- The VAC has recommended approval of the project based on the applicant complying with their recommendations.
- The proposal does comply with the vision of Main Street as described in the General Plan

ALTERNATIVE ACTIONS:

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

PROPOSED CONDITIONS:

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

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4. The commercial building will be deed restricted to allow only permitted or conditional commercial uses and not any residential uses.

Commissioner Nichols: What happens if there is no commercial use made of the main property?

Planner Henke: My thought would be that we would deed restrict that front building so that it has to remain commercial and it could never be a dwelling unit. If they weren't able to lease the building it would remain vacant as a commercial building.

City Engineer, Wes Johnson: One of the obstacles that the applicants are going to face with all the hard surface around this project is run off. Pot rock is high in this area. It is a requirement that Midway City has that is in conjunction with UDOT that all of the onsite drainage will have to be retained and dealt with onsite.

Applicant, Jean Hoover: The building is a T shape, the side sections are open grass and in the back will be gravel. We've planned it so the ends that are closest to the property line will be gable ends so the drainage will go back and forward into the grass areas. There is a natural slope that goes down towards the front. We will be putting in a sump and the engineer and the architect thought that the drainage would be ample.

Commissioner Streeter: I'm concerned that you do not have a big enough setback to not have a potential problem for your northern neighbor with your water and your snow. I'm concerned that this setback does not leave enough room on your property for your water and your snow.

Commissioner O'Toole: Do you plan to put up a fence on the north or east side of your project?

Applicant, Jean Hoover: No.

Commissioner Kohler: With the parking spots on both sides of the building there is only a one (1) foot setback on both sides. With that much paved area where would you put the snow?

Applicant, Jean Hoover: We can shovel the snow on the grass areas and the patio.

Commissioner Nichols: Should this body make a recommendation to the City Council on the requested setbacks?

Planner Henke: I think it would be useful to the City Council for this body to make a recommendation either for or against the proposed setbacks.

Commissioner Waldrip: What is the zoning to the properties north of this property?

Planner Henke: R-1-7

Commissioner Waldrip: So we have the issue of commercial zones butting up against residential zones.

Chairman Oksner opened public comment

Member of the public, Dale Kohler: I foresee a problem with having so many people in such a small area and it will be right against my property line. Also, this property's new driveway will be close to our bedroom and it may make it hard to sleep at night with the traffic going back and forth.

Commissioner Streeter: I think that there needs to be a fence all the way around this commercial use property, we've required it in the past on other commercial properties.

Commissioner Waldrip: I'm concerned about the setback on the north of this property since this is a commercial property that will be abutted up against a residential property. You don't want your snow falling onto someone else's property. I'm not worried about the side setbacks, because this is a commercial zone.

City Engineer, Wes Johnson: If the roofing material is anything but a metal roof then I'm not so concerned of the snow spillage onto the neighbor's property. It might potentially bow the fence on the north as the snow stock piles there.

Member of the public, Lauri Sibulkin: I don't have anything to do with this project, but I am in the excavation industry. A question that needs to be asked is: Can you build this building and get the

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equipment and building materials needed for this project back there without impacting your neighbor's with essentially no setback? To me having no set back means that there is not enough room to run a bobcat through, which is five (5) feet or better. Also, will you be able to maintain your building in the future without knocking out your neighbor's fences? You might save yourself some headache if you allow for a construction sized setback if there is no room to get equipment around you're going to have to be in the good graces of your neighbors to do this.

Commissioner Streeter: Is it a reasonable condition to require them to haul their snow off?

City Engineer, Wes Johnson: I think that they are going to have to.

Commissioner Kohler: Are there any requirements for a multiuse to have open space?

Planner Henke: In the commercial zone for a mixed use project there isn't any.

Commissioner O'Toole: I have a proposal. I'd like to give them a conditional use permit with the proposed conditions from staff and also add three (3) more. You need to move the apartment south so the north setback is eight (8) feet and then center the apartment so that the setback is more even on both sides of the building. The third condition I would add is to put a fence up all the way around where the parking is.

Commissioner Streeter: What about in case of fire?

Planner Henke: They have to have fire resistant walls if they are within five (5) feet.

Commissioner Waldrip: I'm going to respectfully suggest that fire is beyond our parameters, we are not the fire marshal. I would feel uncomfortable imposing conditions that have to do with fire safety.

Planner Henke: Our City building inspector is our City's fire marshal and she will address the fire issue with the building permit.

Motion: Commissioner O'Toole: I would like to make a motion that we approve a conditional use permit and that we adopt staff report we also adopt the proposed conditions and I would like to add three (3) conditions on this proposal.

1. To have a solid six (6) foot fence all around the parking area
2. Move the building south so that there is an eight (8) foot setback on the north side of the structure
3. Center the building south so that there is not four (4) foot two (2) on one side and one (1) foot on the other. If that is not going to work, then I'd also like to propose
4. To reduce the grass area so we can accommodate the parking
5. They need to address drainage; we need to make sure the drainage is taken care of.
6. Also look at the snow removal. The possibilities and or the problem of snow removal.

Commissioner Waldrip: If you'd just accept a suggestion from me Nancy.

Commissioner O'Toole: Sure

Commissioner Waldrip: The last two (2) things you suggested are going to come up in the review process later on I think that we don't need to impose those conditions

Commissioner O'Toole: I'll strike those last two (2) comments.

Seconded: Commissioner Streeter

Commissioner Nichols: In the two (2) items that you struck does that include your comment regarding setbacks?

Commissioner O'Toole: No, the two (2) comments were the snow removal and the drainage, because those will be addressed at a later date.

Commissioner Nichols: So the setbacks changes are still a part of your motion?

Commissioner O'Toole: Correct.

Commissioner Waldrip: Eight (8) feet in the back, equal on both sides and a fence around to the setback in the front.

Chairman Oksner asked if there were any other comment(s)

Commissioner Kohler: I still have a concern looking at exceptions to setbacks for a residential structure that would take it down within three (3) foot of the property line that gives you basically no room to go so that's a concern that I still have for a residential structure on this property.

Chairman Oksner: Are you talking about leaving the side setback?

Commissioner Kohler: If we center it we are going from four and a half on one side and one on the other side to two and three quarters on each side. For residential structure I think that's pushing it out. I'm not comfortable with allowing an exception to the setback, a smaller building would fit in there just fine; maybe you don't need to have four (4) residential units. That's a comment that I have. So I have a concern with what's being proposed from that respective.

Commissioner O'Toole: Makes sense.

Commissioner Waldrip: The dwelling units could be a little bit smaller. How wide would the setback need to be for you to be comfortable?

Commissioner Kohler: Well, Michael.

Planner Henke: Just so the Planning Commission knows the minimum size for a residential unit in this zone is 900 square feet, so that would be the minimum size, but also like you mentioned there could be less units that is an option.

Commissioner Kohler: Well a different configuration or fewer units so that you can meet the requirements for the setbacks rather than expect an exception which takes it so close to the property line I have a concern with that.

Applicant Jean Hoover: Does he understand that what he is looking at is the roofline and that there is an overhang also a gable end on each side? That's only 22 feet length and then the building goes in, it's a T shape building. So the building goes in so that it's really to code in the front.

Chairman Oksner: I see what she is saying.

Applicant Jean Hoover: You're looking at it from above. The foundation of the building is more.

Commissioner Kohler: I fully understand that, but what I'm saying is that if you've got a lot that's 66 feet wide and you are putting a structure that is 60 feet on that. We wouldn't allow a residential home to be built in those confines. I'm just uncomfortable with that for the residential portion of it. Commercial use I understand, but residential, even multiunit residential unless there are provisions that would allow them to not have the setbacks of another residential unit.

Commissioner Waldrip: Jim would you only be comfortable if there was a 15 foot side setback?

Commissioner Kohler: Maybe I'd go less than 15, but not clear down to a couple of feet.

Commissioner Nichols: Do you have a number in mind?

Applicant Jean Hoover: The reason that we bought this property is because it is in the commercial C-2 zone and they told us it was a zero setback. I didn't understand that this wasn't considered commercial.

Commissioner Nichols: It is commercial and there would be zero setbacks, that information is all correct if there were commercial uses on adjoining properties.

Applicant Jean Hoover: I have no control over what the neighbors are doing all I have control over is what I'm doing.

Commissioner Nichols: I understand that, I'm just clarifying what the ordinance actually is.

Applicant Jean Hoover: I know, and that is the part that I don't think is fair. I can only use half of my property down a narrow strip in the middle because my neighbors haven't developed their property yet. Why would you want blank spots 15 feet on each side of my property? When it all fills in with commercial and everybody else is built out to their property lines. Why would that be advantageous to the City to have my property have blank spots? When you look at the plot line the buildings that I am demolishing are going to give more than 15 feet setback on the whole property. The only thing that I'm asking is the very edges of this T shape building that are going to be closer than the 15 feet setbacks.

Commissioner Nichols: You maybe mistaking what you are hearing I don't think anybody on the Planning Commission is suggesting that it has to be the full 15 feet. I think that we are willing to compromise on that and that is what we are discussing, but I think the sense is what you're asking for is a little bit too much for this property.

Commissioner Waldrip: I'd be interesting if Jim would be comfortable with the setback being slightly wider than the roughly three (3) feet that is being proposed? What if it were six (6) feet?

Commissioner Kohler: I'm not sure what that number is, guess I view a residential structure something different that you want to have some space between them. I know we have PUD's and we allow homes to be built with closer setbacks, but PUD's also have a greenspace requirement. Here I'm seeing four (4) residential units where there really isn't any outside space. I'm concerned about that.

Planner Henke: It depends on the zone and where you are located. With a PUD for instance we would require a 30 foot setback around the perimeter of all the buildings, between the buildings there is not a required setback. This being a mixed use zone we do envision a higher density in this area with mixed uses. I don't necessarily think that there is a standard in the code that says there's got to be 10 feet or 15 feet here I think that it is on a case by case basis. Now if it's too much for this property then that's something that the Planning Commission would recommend to City Council that it be reduced. They have the right to ask, but we do need to give some type of opinion to the City Council in the end.

Commissioner Waldrip: This is not a typical residential unit. This is a multifamily residential unit that is a commercial use in a commercial zone. The property to the east and west of this property is also zoned commercial. I'm a little worried about the property to the north, because that is residential. So I don't think that we have a good basis by trying to protect the residential aspects of the properties on the east and west, but we do have an interest in protecting the residential characteristic of property to the north that is zoned residential. I think that it does make a lot of sense to have a setback between the two (2) properties that is not a zero setback because this property is in transition and the Hoovers are in the unfortunate position of being first to develop. Planner Henke told us that the first to develop takes a hit leading the way they get a few battle scars and the other folks get to take advantage of it later on. What I'm suggesting is that I don't think that we should get in the way of the Hoovers if we can avoid it. We should have a setback on the east and west that makes sense. The City Council and its wisdom will decide whether what we recommend makes sense or not. I would be comfortable with a six (6) foot setback on the sides and an eight (8) foot setback at the rear. So if the maker of the motion would accept an amendment to it and the second would also we could go with that motion and it would be a compromise and we could move forward and the Hoovers could try to figure out if that would be workable and if not then they could present their reasons to the City Council that would influence the City Council to maybe make some adjustment.

Planner Henke: For some clarification in our code we measure the setback from the foundation to the property line the eve overhang doesn't count as the setback. Would your motion then be from the foundation to the property line, six feet?

Commissioner Waldrip: I guess, but I was thinking that we were talking about the rooflines, but I guess we're not.

Multiple Commissioners: No, the foundation.

Chairman Oksner: This is important. This is the first step in a C-2 zone that we are looking for. Moving forward to the General Plan, the last item that we will be discussing tonight; we would like to have some commercial development in the downtown area also so people can walk to the stores. It's a concept that I'd like to see happen.

Planner Henke: One advantage to this is that they are leaving the home. The danger that we have in Midway is that people demolish all of the old homes we've got along Main Street and this is a chance for them to develop their property and keep some of the character on the property that's been there for 100 years.

Chairman Oksner: Yes, I don't want it to go away.

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Planner Henke: I think that it is a good balance.

Chairman Oksner: Can we live with a six (6) foot setback from the foundation?

Commissioner Waldrip: That's what I suggested, but the maker of the motion and the second need to agree or not.

Commissioner O'Toole: I will accept that amendment to the motion.

Commissioner Streeter: I will second that amendment.

Commissioner Waldrip: Now we are talking about from foundation to property line, right?

Commissioner O'Toole: Correct.

Commissioner Waldrip: It seems to me that this will enable the Hoovers to move forward and not be stymied by this process.

Chairman Oksner: Are we good with the motion as amended and conditions?

Commissioner O'Toole: Yes.

Commissioner Kohler: The motion did address the issues that we will need to address as far as drainage and snow storage, correct?

Chairman Oksner: Yes.

Commissioner Waldrip: That's part of the engineering and other review. They got struck from the motion.

Commissioner Waldrip: To be clear what I understand, the fence proposal to be is the fence would surround the property except for the frontage on Main Street and the setback for the fence would be the same would be the same setback for the buildings on Main Street. Also, it would be a solid fence.

Planner Henke: Yes.

Commissioner Nichols: I just want to clarify. There's not a condition regarding engineering for drainage and snow removal, correct?

Commissioner O'Toole: There is on his proposed conditions.

Commissioner Waldrip: We are kicking that down the road, and that's where it belongs really.

Chairman Oksner: As modified do we have all in favor?

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

Nays: None

Motion: Passed

ITEM: 3

Paul Berg, agent for Probst Family Funeral Home, is proposing a Code Text Amendment of Section 16.13.39.10: Parking requirements for mortuaries. The proposed amendment would amend the parking requirement making it similar to standards in other cities. Staff will give a presentation regarding the Midway General Plan. The City adopted the General Plan in 2011 and it is time for a five year review of the plan. The review process will last approximately one year.

BACKGROUND:

This request for a Code Text Amendment of Section 16.13.39.10 (Off-Street Parking and Loading). The Code currently states the following:

10. Mortuaries or funeral parlors shall have 30 parking spaces or one space for each 25 square feet of floor space in all assembly rooms, whichever is greater.

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The applicant is proposing to amend this requirement so that it would be the following:

10. Mortuaries or funeral parlors homes shall have ~~30~~ 40 parking spaces or one space for each ~~25~~ 60 square feet of floor space in all assembly rooms, whichever is greater.

Essentially, the proposed change would increase the minimum parking requirements from 30 stalls to 40 stalls and it would decrease amount of stalls required on a square foot basis from one stall for every 25 sq. ft. to one stall for every 60 sq. ft.

Staff has reviewed the ordinances form other cities in Utah and found the following:

Vernal - requires one space for each 100 sq. ft. of gross floor area

Heber - Mortuaries or funeral parlors shall have thirty parking spaces or one space for each twenty-five square feet of floor space in all assembly rooms, whichever is greater;

Provo - One (1) per fifty (50) square feet of assembly area.

Salt Lake City - Funeral services - 1 space per 4 seats in parlor plus 1 space per 2 employees plus 1 space per vehicle used in connection with the business

Alpine - Mortuary One (1) space for every three hundred (300) sq. ft.

Comparing the information above with the City's current requirement, Midway is more restrictive than most of the cities listed above. Even with the proposed amendment our requirement would still be more restrictive than most.

The City has never received any complaints from the neighbors regarding parking and the funeral home that is currently in town so there is not a history of any problems with the current code requirement. It is the opinion of staff that the proposed change would not negatively affect the City. It appears the proposed change would be relatively minor.

This item has been noticed in the local newspaper for two weeks and in the State's website for the Planning Commission meeting.

POSSIBLE FINDINGS:

- The minimum parking requirement would increase with the proposed change.
- The required increase for more parking above 40 stalls would be less with the proposed change.

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- The City has never received any complaints about parking for the existing funeral home.
- The proposed requirements are similar to other cities requirements that staff has researched.

ALTERNATIVE ACTIONS:

4. Recommendation of Approval. This action can be taken if the Planning Commission feels that the proposed change is an acceptable amendment to the Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
5. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
6. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request is not an acceptable amendment to the Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

Commissioner Waldrip: Is it the main assembly area or all of the assembly areas?

Planner Henke: All the assembly areas.

Commissioner Streeter: So when we look at these do we consider just the paved parking or do we also count the over flow?

Paul Berg: We based it off of the ordinance that we are proposing which would be just the onsite. We didn't count any of the UDOT right of way, those are just bonuses.

Commissioner Waldrip: What is the estimated square footage for the proposed building?

Clint Probst: It's roughly 2100 – 2200 assembly square feet.

Motion: Commissioner Waldrip: I'd like to move that we accept the staff report and the findings that the minimum parking requirement would increase with the proposed change and the required increase for more parking above 40 stalls would be less with the proposed change. The City has never received any

complaints about parking for the existing funeral home and the proposed requirements are similar to other cities requirements that the staff has researched and this hits in the middle ground of all of that and that the code be amended as follows. Section 16.13.39.10 be amended to read that mortuaries or funeral homes shall have 40 parking spaces or one space for each 60 square feet of floor space in all assembly rooms, whichever is greater.

Seconded: Commissioner O'Toole

Chairman Oksner asked if there was any further discussion

There was none

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

Nays: None

Motion: Passed

ITEM: 4

Paul Berg, agent for Jeanette Higginson Trust, is proposing a Concept Plan for a small-scale 3 lot subdivision that will be called Higginson Small Subdivision. The development is located at 1200 South and Center Street. The property is located in the RA-1-43 zone.

Planner Henke highlighted the following items

- RA-1-43 zone
- 60.78 acres in size
- Proposing three (3) lots
- Large FEMA flood zone and sensitive lands on the property
- Greenhouse will be on one (1) of the lots and that has a 100 foot required setback
- Required eight (8) foot wide paved trail along highway 113
- Trail plan shows a six (6) foot wide paved trail along Snake Creek. However, the Higginson family does not want a trail running through their property.
- All the lots meet the code
- Property will be sold to the LDS church, to expand the church's parking

Commissioner Streeter: Along Snake Creek where it is wet, can we build a trail there?

City Engineer, Wes Johnson: Yes, we would have to haul in appropriate material for draining and we'd also have to raise the trail up.

Paul Berg: The Higginson's do not want the trail. Years ago there was a trails committee and Midway City used a trails planner who represented Wasatch County and also Summit County. The trails planner had a habit; if there were any type of water course she'd put a trail next to it. That can create problems, because the trails would cut through people's property. I'd like you to consider this; that just because it is on the Master Plan maybe this trail doesn't make sense.

Planner Henke: I agree with Paul, this happened in the County all the time. She drew some lines out there that are really impossible to get. It happened over here in Midway too. This year we are reviewing the General Plan and looking at our trail plan to see what really makes sense. Does this trail make sense or not, I know some in town definitely don't make sense.

*No motion made

Midway City Planning Commission

February 17, 2016

ITEM: 5

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

Planner Henke discussed the following

- Developing a survey for Midway residents to take; will be posted on Midway City's website
- Not having the survey too long with too many questions
- Explained how the survey will work
- Discussed the questions that will be on the survey
- Asked Commissioners for their input
- Committee groups for each item/topic for the General Plan

*No motion made

ITEM: 6

Adjournment

Motion: Commissioner Nichols: Motion to adjourn Mr. Chairman

Adjournment time: 9:55 pm



Chairman; Mickey Oksner



Admin. Assistant; Lindy Rodabough

Midway City Planning Commission

February 17, 2016