

Midway City Planning Commission Regular Meeting July 20, 2016

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., July 20, 2016, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance:

Mickey Oksner – Chairman
Steve Nichols– Co-Chairman
John Rather
Natalie Streeter
Nancy O’Toole
Jim Kohler

Staff:

Michael Henke – City Planner
Lindy Rodabough – Amin Assistant
Wes Johnson - City Engineer

Excused

Chip Maxfield
Bill Ream
Stu Waldrip

6:50 P.M. Work/Briefing Meeting

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

7:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
Opening Remarks or Invocation.
 - ❖ Invocation was given by Commissioner Nichols
 - ❖ Chairman Oksner led the Pledge of Allegiance.

Regular Business

ITEM: 1

Review and possibly approve the Planning Commission Minutes of June 15, 2016

Motion: Commissioner O’Toole: I move that if there are no changes we accept the minutes.

Seconded: Commissioner Streeter

Ayes: Commissioners Streeter, Rather, Nichols, O’Toole, Kohler

Nays: None

Motion: Passed

ITEM: 2

Annual election chairman and co-chair

- Commissioner Oksner was re-elected as Chairman
- Commissioner Nichols was re-elected as Co-Chairman

ITEM: 3

Health Department Annual Report

- Gerald Hayward gave his report

ITEM: 4

Berg Engineering, agent for Oakwood Homes of Utah LLC, is requesting a Plat Amendment of The Kantons at Village Green PUD. The proposal will adjust the western property line of the development along the Max and Susette Gertsch property. The property is located at 669 West Augusta Drive and is located in the R-1-15 zone.

BACKGROUND:

Oakwood Homes of Utah is proposing a plat amendment The Kantons at Village Green Planned Unit Development. The proposal would adjust a portion of the western boundary of the PUD with the neighboring property owners Max and Susette Gertsch. Oakwood Homes and the Gertschs would exchange an equal amount of property as a land swap but the exchange requires a plat amendment because The Kantons is a recorded plat. If the plat amendment is approved, then the Gertschs would have the ability to ask for approval of the Fox Pots subdivision.

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

ANALYSIS:

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

(a) there is good cause for the vacation, alteration, or amendment; and

(b) no public street, right-of-way, or easement has been vacated or altered.

The aforementioned (a) could be interpreted as having good cause because of the reduction of density, potential traffic and increased open space. As for (b) no public street, right-of-way, or easement will be altered if this amendment is approved.

PROPOSED FINDINGS:

- Equal amounts of property would be exchanged between the two property owners
- The Kantons at Village Green would still comply with the 50% open space requirement
- No public street, right-of-way, or easement will be vacated or altered

ALTERNATIVE ACTIONS:

- (Conditional) Approval. This action can be taken if the Planning Commission feels there is good cause to approve the proposal.
 - a. Accept staff report
 - b. Reasons for approval (findings)
 - c. Place condition(s) if needed
- 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
- 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

POSSIBLE CONDITION:

1. None recommended.

Discussion

The discussion was held under item 5 since items 4 and 5 are related to one another.

Motion: Commissioner Nichols: I would move that we recommend to the City Council approval of the plat amendment of the Kantons; adopting the findings of staff with no other conditions at this time.

Seconded: Commissioner O'Toole

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

Nays: None

Motion: Passed

ITEM: 5

Berg Engineering, agent for Max and Susette Gertsch, is requesting Preliminary/Final approval of the Fox Pots Subdivision. The proposal is a small scale subdivision that is 0.79 acres in size and will contain 2 lots. The property is located at 850 Homestead Drive and is in the R-1-15 zone.

BACKGROUND:

This request is for preliminary/final approval of a small-scale subdivision on 0.98 of an acre that will contain two lots. The two lots proposed in the subdivision will obtain frontage along Homestead Drive. The property is located in an R-1-15 zoning district and the lots do comply with the minimum requirements of frontage, width and acreage for a lot in this zone. The property does contain sensitive lands that must be preserved per the Municipal Code. There are four geologic pot rock outcroppings that fall under the category of "minor hot pots" in the code under section 16.14.12. These features must not be disturbed but there is not a setback in the code so the proposed dwelling on lot 1 will be built next to two of the hot pots. There is also one existing dwelling on the property that will be located on lot 2.

LAND USE SUMMARY:

- 0.98-acre parcel
- R-1-15 zoning
- Proposal contains two lots
- Frontage along Homestead Drive
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

ANALYSIS:

Access – Access for both lots will be from Homestead Drive. As per the capitol facilities plan that the City has adopted which regulates driveway spacing in Midway, the two properties will need to share an access to Homestead Drive unless the City Council approves otherwise. The site of the proposal is along an area Homestead Drive that is sloped so visibility is impacted and one driveway in this area will be safer than two. Also the City and UDOT are planning a bike lane along this road and again one crossing over the bike lane is safer than two. Staff feels this is an important issue because of the safety and traffic flow issues associated with driveway intersections on to collector roads.

Water Connection – The lot will connect to the City’s water line located under Homestead Drive.

Sewer Connection – The lot will connect to Midway Sanitations District’s line located to the southeast.

Road Improvements – The City Engineer will make a recommendation regarding any road improvements.

Sensitive lands - There are four geologic pot rock outcroppings that fall under the category of “minor hot pots” in the code under section 16.14.12. These features must not be preserved but there is not a setback in the code so the proposed dwelling on lot 1 will be built next to two of the hot pots.

Kantons plat amendment – The developer is proposing to swap property with The Kantons which will be an even trade. Both sides will swap the same amount of property. This amendment will facilitate the construction of a dwelling on the newly created lot.

WATER BOARD RECCOMDATION:

The Water Board has yet to review the proposal.

POSSIBLE FINDINGS:

- The proposed lot meets the minimum requirements for the R-1-15 zoning district
- The proposal does meet the intent of the General Plan for the R-1-15 zoning district

ALTERNATIVE ACTIONS:

- Recommendation for Approval (conditional). 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)

- 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

- Recommendation for 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

POSSIBLE CONDITIONS:

None recommended.

Discussion

- Shared driveway using the existing driveway for the sight distance
- If there is excavating, then there will be a requirement of a geotechnical report
- If there is a lot of water around here then it should probably be slab on grade, no basement.
- One hot pot is wet; the others are dry.

Motion: Commissioner Nichols: Mr. Chairman I would move that we recommend to the City Council approval of the Fox Pots Subdivision; adopting the findings of staff and with the following two conditions.

- 1) That if the architectural plan requires excavation that a geotechnical study be performed and be submitted with the building permit and be approved.
- 2) The two parcels have to share a driveway and that would be located where the existing driveway is to address the visibility issues.

Seconded: Commissioner O'Toole

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

Nays: None

Motion: Passed

ITEM: 6

Berg Engineering, agent for Watts Enterprises, is requesting a Plat Amendment of Phase 9 of Plat N of the Valais Planned Unit Development. The amendment will modify the shape of the building pad of pad 404 but it will remain the same size. The proposal is located at 1455 North Montchapel Lane and is in the RA-1-43 zone.

BACKGROUND:

Mike Tagliabue, agent for Midway Village LLC, is proposing a plat amendment to Valais Phase 9 plat which is located on North Montchapel Lane. The proposed amendment would modify the shape of the building pad of pad 404 but it will remain the same size. Basically area that is now common area and owned by the Home Owners Association (HOA) would be traded for an equal amount of area that is currently part of pad 404. The newly configured pad will still comply with the 25' setback measured from the back of curb. The pad area will be swapped from the back of the pad and added to the front of the pad and is a minimal amount of square feet at 226' that will be exchanged.

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

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

ANALYSIS:

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

(a) there is good cause for the vacation, alteration, or amendment; and

(b) no public street, right-of-way, or easement has been vacated or altered.

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

PROPOSED FINDINGS:

- The current and proposed unit location comply with the required setbacks
- Common area will become private area if approved and private area will become common area
- No public street, right-of-way, or easement will be vacated or altered

ALTERNATIVE ACTIONS:

- Recommendation of (Conditional) Approval. This action can be taken if the Planning Commission feels there is good cause to approve the proposal.
 - a. Accept staff report
 - b. Reasons for approval (findings)
 - c. Place condition(s) if needed
- 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
- Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

Discussion

- No discussion

Motion: Commissioner Nichols: Mr. Chairman I will move that we recommend to the City Council approval of the plat amendment for Valais PUD Phase 9; adopting the findings of staff and with no other conditions.

Seconded: Commissioner Streeter

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

Nays: None
Motion: Passed

ITEM: 7

Concept plan review for a proposed 5-lot subdivision to be called Midway Meadows located at 1600 North Dutch Canyon Road. The property is 11.16 acres and is located in the RA-1-43 zone.

- When the 11.16 acres gets developed is when the improvements will happen on Dutch Canyon Road.
- The 9,413 SF of property that is across the road will need to be addressed so that it doesn't become a problem weed patch.

ITEM: 8

Midway City is considering a Code Text Amendment of Section 16.5: Commercial C-2 and C-3 zones. The Planning Commission will consider all permitted and conditional uses in the C-2 and C-3 zones and could possibly remove and add some uses. Furthermore, other regulations, such as setbacks, will be reviewed and may be amended.

BACKGROUND:

The purpose of this item is to review the permitted and conditional uses in the C-2 and C-3 zones along with the regulations included in this section such as setbacks. The City Council has directed staff and the Planning Commission to review the uses and to make a recommendation regarding if the listed uses comply with the vision of the City's General Plan. This discussion was initiated because of some of the issues that have arisen because of development in the commercial zones.

The chart on the following page has uses that are highlighted in red. Staff feels these items should be discussed with the Planning Commission. Uses in yellow are added commentary from the planning staff also that should be discussed.

USES	C-2	C-3
Retail, grocery, and service stores (up to 25,000 sq. ft.) Tobacco sales and e-cigarettes (no more than 5% of total retail)	P	P
Professional offices and clinics	P	P
Auto detailing, gas stations and car washes	C	N
Alcohol dispensing establishments	C	C
Residential Facilities for Elderly Persons	C	C

Rest Homes/Nursing/Convalescent Facilities	C	C
Day Care (*as a component of another permitted or conditional use in the C-3 zone)	C	C*
Photo, art, and craft galleries, retail show rooms	P	P
Engraving, publishing, and printing	P	P
Fraternity buildings, clubs, and lodges	C	C
Mortuaries and wedding chapels	P	C
New and used vehicle sales	C	N
Hospitals	P	P
Hotels/motels, bed and breakfast establishments	C	P
Cafes and restaurants	P	P
Public and quasi-public buildings (police/fire stations)	P	P
Recreational activity businesses	P	C
RV, ATV, motorcycle, side by side UTV, OHV sales	C	N
Barber, beauty shops, massage therapy and day spas)	P	P
Vehicle parking	P	P
Repair shops (other than auto)	C	C
Veterinarian and pet grooming services	C	C
Walk-in theaters and outdoor theaters	C	C
R-1-7 Residential	P	P
Mixed Use (20% minimum commercial, up to 20 residential units per acre) Above or below commercial	C	C
Commercial PUDs and commercial condominium projects	C	C
Private academies/studios (education, art, dance, sports, etc.)	C	C
Carpentry and woodworking shops (no outside storage)	C	C
Electrician shops (no outside storage)	C	C
Plumbing shops (no outside storage)	C	C

Section 16.5.2 Site Development Standards

Site Development Standards

A. Minimum lot area: none

B. Minimum building setback from property line for all commercial structures:

1. Front. 10' minimum and 30' 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. Fuel pumps. 20 feet from any street
5. Setback from residential zones or existing residential uses. 15 feet
6. The City Council, upon an applicant's request, may approve a setback different than listed in this section based on specific circumstances of the site and building orientation or specific use of a proposal.

C. Building Heights

1. Minimum: 8 feet (see Section 16.13.110)
2. Maximum: 35 feet (see Section 16.13.100)

D. All building sizes and setbacks are also subject to the requirements of the building code adopted by the City Council. Building heights shall be subject to this Title.

E. All parking shall be located at the side or rear of the main building on each commercial zoning lot. The City Council, upon an applicant's request, may approve a parking plan different than listed in this section based on specific circumstances of the site and building orientation or specific use of a proposal.

F. Each new construction commercial building must have a door facing Main Street if the lot fronts Main Street.

G. Notwithstanding any other provision contained herein, structures and setbacks must comply with Section 16.13.15: Clear View Triangle of Intersecting Streets.

Discussion

Staff and committee members brainstormed on this item and will take action and make a motion on this item next meeting.

Chairman Oksner opened the meeting to the public

- Courtland Nelson – In my past I've worked with 50-70 different towns from Utah, Arizona and Minnesota. It always appeared to me that the towns that succeeded the most had some sense of vision, follow through and was pretty clear on simple knowing where they wanted to go. I think now is the time to seize the "theming" of Midway all the way from the signs down to the things that are on the website with an emphasis on tourism. I believe protecting certain properties that are along the City's Main Street and the main arteries is an important idea so that there is a feel of a little bit of the rural stuff still going on. It is fairly hard to control, but I think it is an area that deserves some discussion by this body and some of the other councils. The statistics from the public survey points out that a lot of people want these kind of things to happen. There needs to be a distinct plan for a walkable Main Street, so many communities miss that.

Chairman Oksner closed the meeting to the public

- Committee members decided to start next month's meeting at 5pm so that there is enough time to get through this item and to be able to have a motion.
- No motion – non action item

ITEM: 9

Review and possible recommendation of approval for three chapters in the General Plan which include Moderate Income Housing, Environment and Sensitive Lands and Historic Preservation.

- Planner Henke gave a brief update.

Chairman Oksner opened the meeting to the public

No public was there to discuss item

Chairman Oksner closed the meeting to the public

Motion: Commissioner O'Toole: I move that we accept the three (3) chapters in the General Plan without any changes.

Seconded: Commissioner Kohler

Ayes: Commissioners Streeter, Rather, O'Toole and Kohler

Nays: None

Motion: Passed

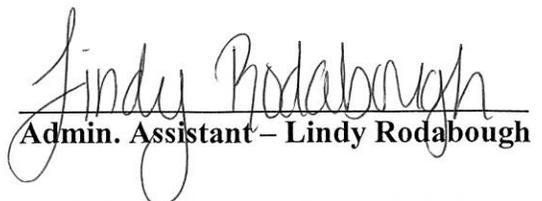
ITEM: 10

Adjournment

Commissioner O'Toole: I move to adjourn

Time: 10:21 pm


Chairman – Mickey Oksner


Admin. Assistant – Lindy Rodabough