

Midway City Planning Commission Regular Meeting February 21, 2018

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., February 21, 2018, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

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

Staff

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

Excused

Stu Waldrip – Vice Chairman
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 Jeff Nicholas
 - ❖ Chairman Kohler led the Pledge of Allegiance

Item: 1

Review and possibly approve the Planning Commission Work Meeting Minutes of November 2, 2017.

Motion: Commissioner O'Toole: I move that we approve the planning commission work meeting minutes of November 2, 2017.

Seconded: Commissioner Streeter

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

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

Nays: None

Motion: Passed

Item: 2

Review and possibly approve the Planning Commission Work Meeting Minutes of November 14, 2017.

Motion: Commissioner O'Toole: I move that we approve the planning commission work meeting minutes of November 14, 2017.

Seconded: Commissioner Streeter

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

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

Nays: None

Motion: Passed

Item: 3

Review and possibly approve the Planning Commission Meeting Minutes of January 17, 2018.

Motion: Commissioner O'Toole: I move that we approve the planning commission meeting minutes of January 17, 2018.

Seconded: Commissioner Streeter

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

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

Nays: None

Motion: Passed

Item: 4

Berg Engineering, agent for Watts Enterprises, is requesting Master Plan approval of Midway Springs Subdivision. The proposal is a Planned Unit Development and a standard subdivision that is 50.76 acres in size and will contain 96 units and one lot. The proposal is to develop the property in three phases. The property is located at 200 East 600 North and is in the R-1-15 zone.

Applicant; Russ Watts

- Removed some of the homes from the NE side
- Would like to pasture some animals in the larger open spaces
- Part of the trail on the SW will have a board walk over the wetland area
- Many neighbors are happy with the trail behind the homes on the south side
- In the kid/barn area we will landscape that area and the soil will not be higher than 3 feet
- My preference is the option 2 site plan, knowing there is a pending ordinance at the City
- Slag is a much better material for a trail then pavement

Staff and commissioner's discussion

- Don't see the hydrology study changing the layout, maybe only the cost of construction
- Water will leave this property in the *established* ditches at the *established* rate
- If there is a hydrology problem, then the project will be stopped and addressed
- Have concerns about the HOA maintaining the irrigation ditches
- This application is vested under the current code
- When phase 2 and phase 3 are put in the Army Corp. will have to come back in and give approval prior to construction
- The public trail in phase 1 will be completed with pavement, the public trails through phase 2 and 3 will be road base until each phase is built then they will be upgraded to pavement
- Anytime the trail crosses over wetlands it will have to be a boardwalk

Representative; Paul Berg:

- Option 2: Homes have been slid back 50' from property lines
- I think that the HOA will maintain the ditches better than the Irrigation Company would
- Will be importing soil to raise the homes up out of the ground water, the soil will be stored within the parks during construction

Public comment period

Athina Koumarela: I am one of the abutting neighbors. I want to thank everyone for taking so much time and extra effort to make sure this is done correctly. What about where there is some encroachment on the wetland areas?

City Engineer; Wes Johnson: None of the units encroach, there is a 25-foot buffer. None of the units will encroach into the wetland, some may encroach into the 25-foot buffer in an effort to gain more of a buffer.

Athina Koumarela: I understand that the trail system on the west side of this development would be going across my pasture. An eight (8) foot wide trail is very intrusive on one-acre pasture grazing land.

Planner Henke: They would not be able to trespass onto your property. There will be nothing on your property at all.

Athina Koumarela: We as neighbors got together with Russ and he was not sure if the sewer line was going to run onto the line on 250 N. From what I understand we are going to add 40 houses onto that line on 250 N, or is it all going to Paradise Lane?

City Engineer; Wes Johnson: There will be a new line on 250 N and up the west side. About 50 homes will flow to this new line on the south west side.

Athina Koumarela: Will the line need to be enlarged on 250 N?

City Engineer; Wes Johnson: No, it's an eight-inch line now and an eight-inch line is more than adequate to handle all of these homes. I want to be very clear with you and your neighbors. I'm not certain that the existing eight-inch sewer line isn't currently in your backyard.

Athina Koumarela: I've been told that it is.

City Engineer; Wes Johnson: I've requested our survey crew go out and survey that. Once we have that survey and if it is in your back yard I will need to come and meet with each one of you. I would propose that the sewer be under this trail not in your back yard. If we can find a better alternative that better suites the property owners, that is what we'll do. If we can't find a better alternative we'll most likely put it right back where it is, knowing we've got an easement over the existing sewer.

Athina Koumarela: The grazing area would be replaced to?

City Engineer; Wes Johnson: Yes.

Athina Koumarela: Because this impact is including sewer, I would assume that any adjustments would also be paid by the developer versus our City.

City Engineer; Wes Johnson: This will not cost the City tax payers a dime.

Cathy Philpot: I also have a question on the sewer on 250 N. Right now, it is very shallow I assume that will need to be deepened, because 50 homes worth of material coming down that sewer line and making a sharp 90 degree turn towards Center Street. I am connected to that same sewer there's very little slope to my house. What keeps all of that from just coming into my house? Although, assuming that you do have to lower it who pays for my connection to a lower sewer? I would have to rip up my whole yard and change the whole line. Wh would pay for that?

City Engineer; Wes Johnson: I would be happy to come and meet with you. It wouldn't cost the home owner's anything. If the sewer line needs to be lowered, we don't go back all the way to your home, we lower it right at the connection point. Which would give you a greater protection against any backup.

Cathy Philpot: My other comment is totally emotional about this. I understand that this meets all of the code and all of the rules and there's nothing that can really stop it, I understand that. My comment is that this has been an extremely divisive project for this whole community. It has divided the town, it has caused neighbors to move, it has destroyed family relationships and now we are talking about making compromises to allow this development to happen on land that is probably not suited for a PUD of this density. Even though there have been changes made to accommodate very upset neighbors that does not mean that the neighbors are happy with this. I'm not happy to have a trail go on two sides of my property or three if you count the road. I am not happy that the land and the neighbors have not been respected through all of this development. I realize that that doesn't matter, but I just wanted to make that clear.

Sheila Probst Siggard: As I hear all this talk about increasing the sewer it's like, does everyone realize the size and the condition of 250 N, it's a little country road as is 600 N. I guess that I have to respect the traffic study Wes, but if sure seems crazy. I just want to express my deep concerns, I think Cathy stated that beautifully about how divisive this has been. As I said in my letter that I sent as I was walking home down 250 N I thought, and I shudder to think about those people who have no idea about this project or what they are going to think when they see what is happening. This will change Midway. I remember talking to Mayor Bonner and I told her that this is going to change Midway and she said no Valais changed Midway and Dutch Fields. Those are outlying and this in more in the core of Midway. These are sensitive lands, they are not fit for a project like this. Russ is very eloquent with his words, but when he said that phase two is in collaboration with the neighbors, there are a handful of neighbors that are tolerable now they have exhausted themselves and this is eating our time, but we come because it is so important to us. This is Russ Watts and Paul Berg's career, and this is what they do. We have our lives we have other careers, but this has sucked up so much of our time trying to defend what we love. I wanted to make a comment about the trails, this trail was never approved to come out on 250 N and you just heard what Cathy said, it's coming right in our back yard. We do not want all of this trail traffic. I would love to see a trail where I could ride my horse. We talk about how we want Midway to remain rural, but all we talk about is asphalt trails. I'm now on the trails committee and have been to one meeting and one of my friends said to have this committee go and look at all the asphalt trails and see how they are falling apart. Put in trails that do not have to be maintained with asphalt, put in some soft trails. I have to say that, because I hope that we can have some horses in town. I also remember the European Village and they talked about having animals there. Having had animals and have cared for them, I am wondering who is going to care for these animals. It seems like if you had some trails for people who owned horses and took care of them could ride through that would make it more of a rural feel. I don't know how many of you have seen the ponies of Chink a Tink that are wild, I have, and their hooves are awful. It made me sad for the animals. Animals need to be cared for, they need to be fed, depending on how you like to take care of them, they have to be brushed and groomed and vaccinated. That is something to think about as we talk about how we love our community and we want to keep Midway rural, let's be realistic. Amanda Peterson is ill and cannot come tonight. She asked that I read this for her. She has been very frustrated with this project, again very divisive. There are a handful of neighbors who have reconciled to phase two, but have you looked at the faces of some of the other neighbors that are here? The first meeting we went to with Russ, I've never been in a meeting where there was so much frustration and anger and trouble. She said that Michael has a copy of her letter, but she wanted me to say that it is incompatible with the adjoining neighbor hoods too fragile of lands that will be severely impacted, 600 N cannot handle additional traffic, water is questionable, under ground aquafer impacted, springs impacted, view corridors interrupted, on and on...

I feel there is a lot of power in the spoken word and it's good for you to hear some of the comments of some of the neighbors.

Athina Koumarela: When you are considering open space extending the boundary to me is not open space, it's just a bigger setback. I would hesitate to set that precedence, although I do appreciate that it will not be right on my property line. I think that you are losing the concept of open space when you are allowing that. I don't know how many less units Mr. Watts would have to eliminate in order to get actual open space not just longer setbacks.

Public comment period closed

Motion: Commissioner Nicholas: I make a motion that we recommend approval with conditions of option two to the City Council for the Master Plan for the Midway Springs Subdivision. We accept staff finding as detailed in the staff report. The conditions for the recommendation are the four conditions that have been detailed in the staff report plus an additional condition that there be a code change regarding open space by the City Council that they would review and possibly approve a code change to allow the open space necessary.

Seconded: Commissioner O'Toole

Commissioner Bouwhuis: I'd like to modify the motion slightly. The condition regarding the linear park and the perimeter trail is built. It was committed to verbally, but it's not in the actual condition.

Commissioner Nicholas: I will amend my motion to include the linear trail and perimeter trail to be built in its entirety.

City Engineer; Wes Johnson: Can we add one more condition? That the stock pile be located as shown on the plan with a maximum elevation of three feet and that it be landscaped as it's placed.

Commissioner Nicholas: I'll accept that.

Planner Henke: I'd like to add one more suggestion. I noticed as we went through this the very last condition here this off-site open space with landscaping plus the dedication of the water plus the dedication of the land and maintenance by the HOA.

Commissioner Nicholas: I'll accept that.

Commissioner O'Toole: I accept too.

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

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

Nays: None

Motion: Passed

Item: 5

Berg Engineering, agent for Watts Enterprises, is requesting Preliminary Approval for phase I of the Midway Springs which is a Planned Unit Development and a standard subdivision. The proposal is for 30 building pads and one lot located on 11.2 acres. The proposal is located at 200 East 600 North and is in the R-1-15 zone.

R-1-15 zone.

Staff and commissioner's discussion

- The developer wants to change the name from Midway Springs to Remund Farms
- Along the street frontage the homes will need to be staggered, so it doesn't look like a wall as you drive down the street. That will be addressed with the plat once it is submitted at final approval.
- All the roads within the development are private roads and will be maintained by the HOA
- Phase 1 would be able to stand on its own if phase 2 and 3 never happened
- Want flexibility with the sidewalks and curb

Public comment period: there was none therefore the public comment period was closed

Motion: Commissioner Streeter: I recommend that we approve Preliminary Approval for Phase one of Midway Springs Planned Unit Development and standard subdivision. The proposal is for 30 building pads and one lot, located at approximately 200 east 600 north in the R-1-15 zone. I move that we accept the findings of staff and proposed conditions by staff and that we simply clarify that the public trails to be built are the NS trail, the peripheral trail and 600 N trail.

Commissioner Payne: As a proposed amendment on that. Would we not want the same conditions we did on the Master Plan?

Commissioner Streeter: The conditions exist on the Master Plan, so they are on this, as a part of the Master Plan.

Commissioner Bouwhuis: He said the he is going to bring the trail down to the farthest south part onto 250 N. We didn't say anything about that connection. None of the plans are showing that. Is that an issue?

Planner Henke: I've had discussions with the developer and he has agreed to bring that all the way down it will just have to be on the next map to show that. So, that can definitely be listed as a condition.

Commissioner Bouwhuis: If we just put that on this phase one approval does that work?

Planner Henke: Yes, because it needs to be built with phase one. If an easement couldn't be secured through the Philpot property, then it would have to come around and down to 250 N. The idea is that they connect one way or another to 250 N.

Commissioner Bouwhuis: So, if we just say in this motion that that has to connect all the way to 250 N, then that's fine?

Planner Henke: Yes.

Commissioner Bouwhuis: I would like to recommend that change.

Commissioner Streeter: I will accept that amendment.

Seconded: Commissioner Nicholas

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

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

Nays: None

Motion: Passed

Item: 6

Berg Engineering, agent for RD Development, is requesting preliminary approval for a subdivision that will be called Lucerne Estates. The proposal is for a 14-lot subdivision that is 4.77 acres in size and is in the R-1-9 zone. The property is located at approximately 100 South 100 East.

Staff and commissioner's discussion

- The school district does not have any problems with this project
- The back of lot 11 is a part of a detention pond and lot 11 will be responsible for the maintenance of the detention pond
- The zone R-1-7 and R-1-9, no matter how big the subdivision is, it does not require open space
- Suggest that lot six (6) and lot fourteen (14) access from 100 south to reduce that wall affect incase people decide to build their four-foot allowable fences

Representative; Paul Berg:

- This is very similar to the development that was approved 10 years ago. The street right of way is about six feet wider and that's about it.
- The same group that owns this parcel owns another parcel across the road, it is possible that in the future they could divide the other parcel into four other lots. To avoid ripping the road up in the future we are going to stub out sewer and water laterals to the north for the parcel across the road

Motion: Commissioner Bouwhuis: I make a motion that we approve the preliminary approval for the subdivision that will be called Lucerne Estates a 14-lot subdivision on a 4.77 acres lot in the R-1-9 zone. We accept the findings of staff and we approve without any conditions.

Seconded: Commissioner O'Toole

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

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

Nays: None

Motion: Passed

Item: 7

Summit Engineering, agent for BB Ventures LLC, is requesting approval of a small-scale subdivision. The proposal is for a two-lot subdivision that will be called Pine Canyon Paradise and is 2.9 acres in size. The property is located at 521 North Pine Canyon Road and is in the R-1-15 zone.

Staff and commissioner's discussion

- The bike lane will fall within the city right of way
- Lot 1 has the potential to be re-subdivided in the future

Representative: Mike Johnston:

- Property owners want the option to maybe have a smaller home on the second lot

Motion: Commissioner O'Toole: I propose that we recommend to the City Council preliminary and final approval for BB Ventures LLC. It is a small-scale subdivision, the proposal is for a two-lot subdivision that will be called Pine Canyon Paradise, it is on 2.9 acres in size and the property is located at 521 North Pine Canyon Road and is in the R-1-15 zone. We accept staff findings.

Planner Henke: The finding was that they would construct the trail, but the consensus has been to put what ever that amount would have been and just put it into the general trails fund.

Seconded: Commissioner Payne

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

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

Motion: Passed

Item: 8

Midway City is proposing a Code Text Amendment regarding parking location requirements in the C-2 and C-3 zones. The proposed amendment would allow direct parking stall access from the right-of-way without the currently required driveway when the property is adjacent to open space. The proposal will help preserve open space in the commercial zones by reducing the amount of hard surface required by the current code.

Staff and commissioner's discussion

- Would only lose two parking stalls
- Cannot count street parking anyway

- Why not have diagonal parking rather than straight in
- If you have 90-degree parking you're more likely to back out across the travel lane to get the direction that you are going, if you're going the opposite direction
- Concerned about parking on this block already, are we just adding to that
- Keep one side of the road a bike lane so parking can only be on one side of the road
- Limit the length of the stretch of parking
- Would like a little bit of flexibility. We could go out and test that four or six-foot area (from the driveline to the stall)
- If a device is used to eliminate vehicle overhang of the sidewalk, then the sidewalk can be six-feet otherwise it needs to be an eight-foot sidewalk

Representative; Paul Berg:

- Although we are mentioning we are losing parking, I don't think it's parking we really have with our streets standard in these local areas
- If going north on 200 west, diagonal works great. If I come off Main Street and I'm going South on 200 west, I'd have to turn 135 degrees to get into a stall

Motion: Commissioner Bouwhuis: I'll make a motion that we approve the code text amendment and we approve the staff findings and we approve it as stated in the staff report with the following exceptions that in item one that the or lessor dimensions as approved by the City Council is removed. In line seven we insert the word required in front of the first open area, so it states "if the required open area is developed" the rest of that as is. We include another additional item that the maximum length of consecutive stalls is 11, which puts it at 100' basically. If a landscape bulb out is provided between areas that there be a minimum of eight feet. We have another item that requires a pedestrian pathway that continues along the front of the stalls and connects to the pedestrian pathways on either end. If the vehicle overhang encroaches into that sidewalk that the sidewalk be a minimum of seven feet wide.

Seconded: Commissioner O'Toole

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

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

Motion: Passed

Item: 9

Luster Development, agent for Tom and Linda Whitaker, is proposing Master Plan approval of the Whitaker Farm Subdivision. The proposal consists of 50 lots on 80 acres and contains 20 acres of open space. The property is located at 455 North River Road and is in the RA-1-43 zone.

Staff and commissioner's discussion

- To widen the road with the turn lane and the two bike lanes was a condition of the annexation agreement
- Infrastructure has to be put in to accommodate the growth and population

Representative; Dan Luster:

- Would like to remove the two cul-de-sacs and relocate those homes that are in the two cul-de-sacs
- Sewer Main runs through main property it needs to be relocated for future maintenance
- Only four homes in phase two with the new site plan
- As a part of the annexation agreement we'll need to widen River Road by 22 feet with bike lanes on both sides of the road and with a center turn lane. Do we really want that, is that really necessary?
- Want to do a deed restriction with Utah Open Lands
- The access to the river is a contract between Tom Whitaker's household and the Mitigation Authority, it allows Tom to let guests into that space. Currently he is using that with Victory Ranch. The analogy is if you allow that for Victory Ranch why not Whitaker Farm? So, there will be a relation with the Whitaker household and Whitaker Farm much like there is today with the Whitaker household and Victory Ranch. Victory Ranch would lose their access and it would just be Whitaker Farm.

Chairman Kohler asked if any member of the public wanted to comment on this matter: There was none.

Motion: Commissioner Nicholas: I move that we recommend approval of the Master Plan of Whitaker Farm in the format that's been presented as well as the alternate format with a preference for the alternate design. The proposal consists of 50 lots on 80 acres, both proposals consist of 50 lots on 80 acres and contain 20 acres of open space. The property is located at 455 North River Road and is in the RA-1-43 zone. We accept staff findings with one condition that no dirt or over burden be placed in the area of phase two if there is in fact a phase two, until that area receives final approval.

Seconded: Commissioner Streeter

Chairman Kohler: Any discussion on the motion?

There was none

Chairman Kohler: All in favor.

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

Motion: Passed

Item: 10

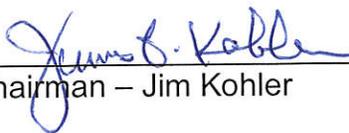
Midway City is proposing a Code Text Amendment of Midway City's Land Use Code of Title 16 regarding Residential Treatment Facilities, Residential Facilities

for Elderly Persons, Rest Homes, Nursing, and Convalescent Facilities. The City would like to review the current code and potentially amend and adopt regulations for these facilities.

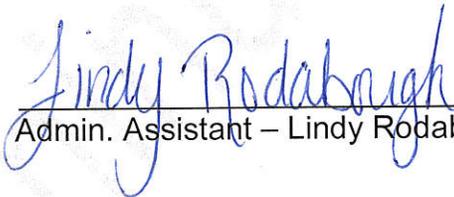
Item pulled from the agenda

Item 11:
Adjournment

Motion: Commissioner Nicholas: I move that we adjourn.
11:03 pm



Chairman – Jim Kohler



Admin. Assistant – Lindy Rodabough