

**Midway City Planning Commission Regular Meeting
October 18, 2017**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., October 18, 2017, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance:

Jim Kohler – Vice-Chairman
Nancy O’Toole
Natalie Streeter
Stu Waldrip
Jeff Nicholas
Bill Ream
Kevin Payne

Staff:

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

Excused

Steve Nichols - Chairman
Shauna Kohler

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
 - ❖ Vice-Chairman J. Kohler led the Pledge of Allegiance

Item: 1

Review and possibly approve the Planning Commission Meeting Minutes of September 20, 2017.

Vice Chairman J. Kohler: Under attendees my name has been listed twice.

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

change that Vice Chairman J. Kohler's name was mentioned twice.

Seconded: Commissioner Ream

Vice Chairman J. Kohler: Any questions or discussion on the motion?

There was none

Chairman : All in favor.

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

Nays: None

Motion: Passed

Item: 2

Vote for Chair and Vice-Chair

The vote was the following

Chairman: Jim Kohler

Vice Chairman: Stu Waldrip

Item: 3

Jerry Zenger is applying for a Conditional Use Permit for an alcohol dispensing establishment. The restaurant will be located at 192 West 100 North. The property is 0.27 acres in size and is located the C-3 zone.

***This item has been removed from the agenda by the applicant. It is unknown when the item will be placed on a future agenda.**

Item: 4

Dan Luster, agent for Joseph and Marjorie Jones Family, LLC, is requesting Preliminary/Final Approval for a small-scale subdivision that will be called Jones Farm. The proposal is for one lot on 5 acres and is in the RA-1-43 zone. The proposal is located at 400 West 500 South.

Planner Henke gave a presentation regarding the proposed subdivision and reviewed the following items:

- Background
- Land use summary
- Analysis
- Water Board Recommendation
- Possible Findings
- Alternative Actions
- Possible Conditions

- Aerial view
- Site plan

Note: A copy of Planner Henke's presentation is contained in the supplemental file. This was originally proposed as a one (1) lot subdivision on 9.7 acres. The reason for the reduction down to a one (1) five (5) acre lot was due to the trail placement.

A couple of commissioners indicated that it would be better to allow two lots on the total 9.7 acres for the rural preservation subdivision so that in the future the remaining 4.7-acre lot cannot be subdivided into four (4) one (1) acre lots so that we can have lower density and keep rural Midway. Planner Henke advised that as per the code it must be five (5) acres to qualify as the rural preservation subdivision and the only way to do anything less than a five (5) acre lot is to change the code or for the developer to purchase more property.

The developer would like to purchase their easement, but the land owner is unwilling to sell.

Motion: Commissioner Ream: I recommend preliminary/final approval of the Jones Farm Rural Preservation Subdivision. It is a small-scale subdivision that will be called Jones Farm the proposal is for one lot on five acres and is in the RA-1-43 zone. The proposal is located at 400 West 500 South. We find that the proposal does meet the intent of the General Plan and the RA-1-43 zone. The proposal does comply with the land use requirements of the RA-1-43 zone and the proposal does comply with the requirements of the rural preservation subdivision code. We also accept the staff report.

Seconded: Commissioner Waldrip

Vice Chairman J. Kohler: Any questions or discussion on the motion? There were none.

Vice Chairman J. Kohler: All in favor.

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

Nays: None

Motion: Passed

Item: 5

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code that would amend the ability of sensitive lands to be included as required open space located in Section 16.16.10 of the Land Use Code. This item is based on amendments made to the General Plan that were adopted earlier this year. Those amendments promote preserving Midway's rural atmosphere and reducing density where appropriate.

Planner Henke gave a presentation regarding the proposed subdivision and reviewed the following items:

- Background
- Analysis
- Possible Findings
- Alternative Actions

Note: A copy of Planner Henke’s presentation is contained in the supplemental file.

It was discussed whether sensitive lands were taxed or not. If sensitive lands are taxed, then it’s implied that there is value to that land. Right now, sensitive lands aren’t buildable, and this is not changing that.

In a development if a lot has sensitive lands, but still has a building pad that lot will not sell for less than any other lot in that development. Some sensitive lands are still useable.

A couple of commissioners expressed that there should be some flexibility to the use of some sensitive lands that are usable. They think that there is another reasonable view against the approach the other commissioners are taking.

Motion: Commissioner O’Toole: I would like to recommend to the City Council that the code text amendment of the land use code that we would amend the ability of sensitive lands to be included as required as open space located in 16.16.10 of the land use code. What we are proposing is that we change that to sensitive lands as defined elsewhere in this title may not be counted as required open space. We accept the staff findings. We would like to remove the second finding that reads “allowing only a percentage of sensitive lands to be counted as open space will assure that some usable land is counted open space.”

Seconded: Commissioner Streeter

Vice Chairman J. Kohler: Any questions or discussion on the motion?

There was none

Vice Chairman J. Kohler: All in favor.

Ayes: Commissioners Streeter, Nicholas, O’Toole, and Payne

Nays: Commissioners Waldrip and Ream

Motion: Passed

Item: 6

Midway City is proposing a Code Text Amendment of Midway City’s Land Use Code that would amend the requirements for setbacks of planned unit developments, large-scale and small-scale subdivisions located in Sections 16.16.8, 16.16.9 and 16.17.7 of the Land Use Code. This item is based on amendments made to the General Plan that were adopted earlier this year. Those amendments promote preserving view corridors and the rural atmosphere of Midway.

Planner Henke gave a presentation regarding the proposed subdivision and reviewed the following items:

- Background
- Analysis
- Possible Findings
- Alternative Actions

Note: A copy of Planner Henke's presentation is contained in the supplemental file.

Commissioners Questions/Discussions

- Does the definition of structure include fencing? No
- The issue is not the setback, it's that they are putting a fence right along the road. So, if we included fencing as structure, that would help.
- Look at each road individually to review the setbacks to preserve view corridors.
- Drive open space to the collector roads and to the roads generally.
Smaller setbacks along the property lines are for two reasons. One, is to try to drive open space to the road ways and two because the other subdivision or PUD next door also has a setback requirement, so the effect is if you have half of the setback on one side and half on the other side. For example, a subdivision has a 50-foot setback and a 50-foot setback for the PUD next-door then you'd have a 100-foot corridor.
- Would like to include a privacy fence as a structure.

Vice Chairman J. Kohler opened the meeting to the public

There was none

Vice Chairman J. Kohler closed the meeting to the public

Motion: Commissioner Waldrip: I move that we continue this matter to a yet to be established study session to spend more quality time on it.

Seconded: Commissioner Nicholas

Chairman : Any questions or discussion on the motion?

There was none

Chairman : All in favor.

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

Nays: None

Motion: Continued

Work meeting date and time: 3:00 pm November 9th Midway City office upstairs conference room *The next day the date got changed to Thursday November 2nd at 3:00pm.

Item: 7

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code of Section 16.16.8 that would amend densities in Planned Unit Developments. This item is based on amendments made to the General Plan that were adopted earlier this year. Planner Henke gave a presentation regarding the proposed subdivision and reviewed the following items:

- Background
- Analysis
- Possible Findings
- Alternative Actions

Note: A copy of Planner Henke's presentation is contained in the supplemental file.

Commissioners Questions/Discussions

- Encourage second homes to be smaller, like a two-bedroom house versus a four to five-bedroom house
- Limit the building pad size

Vice Chairman J. Kohler opened the meeting to the public

Paul Bowls: We are newcomers to Midway, we live on 600 North. Midway Springs is what is being proposed around us. Can you play with open space and setback requirements to try to encourage and different/better design? If open space is on the perimeters and PUDs are more dense towards the middle, is that a good design, is that something that we want to encourage? Midway Springs has gone the other way, where it is pushed out and the open space is on the interior. What can the Planning Commissioners do to help encourage new designs of PUDs? In my opinion the design was good for the developer, but not for the neighborhood.

Planner Henke: If our goal is to have a view corridor then we want to force that open space as much as we can towards the road. If we leave open broad language in our code where it says, "the City is going to work with the developer to come up with the best plan they can" that just would not work very well. We need to put hard numbers in, because the way State code is written it says, "if there is any language that isn't direct the tie goes to the developer not the City" so we need to be very precise and define what our goals are then write code.

Commissioner Waldrip: We have been discussion tonight how to deal with setbacks so that we force the open space to the roads or to the edges of the property. I think that it would be a mistake to go overboard on that too and just have a cluster of homes right in the middle with nothing in between them. So, there's got to be a balance.

There were no one else that wanted to make public comment therefore Vice Chairman J. Kohler closed the meeting to the public

Motion: Commissioner Waldrip: I move that we include this subject in the work meeting that is coming up.

Seconded: Commissioner Nicholas

Chairman J. Kohler: Any questions or discussion on the motion?

There was none

Chairman J. Kohler: All in favor.

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

Nays: None

Motion: Continued

Item: 8

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code of Sections 16.16.11 and 16.16.12 that would amend open space requirements for large-scale standard subdivisions and Planned Unit Developments. This item is based on amendments made to the General Plan that were adopted earlier this year.

Planner Henke gave a presentation regarding the proposed subdivision and reviewed the following items:

- Background
- Analysis
- Possible Findings
- Alternative Actions

Note: A copy of Planner Henke's presentation is contained in the supplemental file.

Vice Chairman J. Kohler: I'm hearing that there is a consensus that we add this discussion as well to the working session.

Motion: Commissioner Nicholas: I make a motion to continue this item to the work meeting.

Seconded: Commissioner O'Toole

Chairman J. Kohler: Any questions or discussion on the motion?

There was none

Chairman J. Kohler: All in favor.

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

Nays: None

Motion: Passed

ITEM: 9

Adjournment

Motion: Commissioner Waldrip: I move we adjourn.

Time: 9:46 pm



Vice Chairman- Jim Kohler



Admin. Assistant - Lindy Rodabough

Approved Minutes