Midway City Planning Commission Regular Meeting
June 21, 2017

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., June 21, 2017, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance:
Steve Nichols – Chairman
Jim Kohler – Co-Chairman
Jeff Nicholas
Nancy O'Toole
Bill Ream
Stu Waldrip

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

Excused
Shauna Kohler
Natalie Streeter
Kevin Payne

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.
  - No invocation was given
  - Chairman Steve Nichols led the Pledge of Allegiance

ITEM: 1

Review and possibly approve the Planning Commission Meeting of May 17, 2017.

Motion: Commissioner J. Kohler: I move that the minutes be approved.
Seconded: Commissioner O'Toole

Any discussion on the motion? There was none
Ayes: Commissioners Waldrip, O'Toole, J. Kohler, Nicholas and Ream
Nays: None
Motion: Passed

ITEM: 2

Berg Engineering, agent for Kent Buie, is requesting Preliminary approval of Saint-Prex Estates. The proposal is a large-scale subdivision that is 11.54 acres in size and will contain 16 lots. The property is located at 800 West Swiss Alpine Road and is in the R-1-22 zone.

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.

Commissioners, staff and applicant discussion

- Whether to have the trail be kept clear of snow through the winter for the school kids so they could walk on it down to the bus stop.
- If the trail wasn't kept clear during the winter that would defeat the purpose of providing a walking path for the kids walking to the school bus stop if it's not open for half the school year.
- The City does not keep the city trails clear in the winter
- Maybe we could require the HOA to keep the trail cleared all winter.

- **Applicant Kent Buie:** That is a concept that we haven't thought about, therefore we cannot make a commitment one way or another.

- This development must have a second point of access. The City Attorney has provided a memorandum and he does feel that we are in a comfortable position to move forward at this point in time and actually recommends moving forward at this time.

- Straightening out the 90 degree turns on Swiss Alpine Road. The developer has agreed to help us realign this road if we want to take that route so we feel confident that we could lessen the corner on that 90 degree.
- The City Council needs to decide how much to straighten this road out and then we'll have to work with the developer on that issue.
- The criteria considered to straighten this road will be speed and safety. This road is known to have vehicles speed and the straighter this road gets the more likely the vehicles will increase their speeds.
- Another safety concern is the vegetation that is a sight obstruction. It's as critical to clear a sight triangle.

Chairman Nichols asked if there are any further questions or comments from the commissioners
There were none

Chairman Nichols asked if anyone from the public would like to comment
There were none

Motion: Commissioner Waldrip: I will move that we recommend preliminary approval to City Council of the Saint-Prex Estate large-scale subdivision as presented. We accept the staff report, we find that the proposal meets the intent of the General Plan for the R-1-22 zone and the proposal complies with the land use requirements of that zone. The trails crossing the property will benefit the community by creating a walking area separated from Swiss Alpine Road which will help with pedestrian and particularly child safety. Subject to two (2) conditions, one that the developer finds a way to be sure that the trail is accessible in the winter time and second that the proposed agreement with this developer and several others that would provide a secondary access, connecting Swiss Alpine Road to Bigler Lane would be formalized and agreed upon between all of the relevant parties before final approval was granted.
Seconded: Commissioner O'Toole
Chairman Nichols: Discussion on the motion?
Commissioner Ream: I understood that the City does not keep their trails cleared of snow during the winter. Are we making this a standard going forward?
Chairman Nichols: I think where it is planned as access for school children to get to a bus stop it should be something that is under consideration going forward.
Commissioner Ream: We'd be setting a precedence it should occur for any developer that comes before us.
Chairman Nichols: We are recommending that City Council take a look at that issue.
Applicant; Kent Buie: We have an interior road system and so we have a way to get people off of the busier street if they choose to walk through our community.
Commissioner Waldrip: You just turned the light on for me Mr. Buie. I don't see why kids couldn't take the street route as opposed to the trail route.
Planner Henke: There would be five-foot sidewalks on both sides of the road.
Commissioner Waldrip: If my second will agree I will amend my motion to remove the

requirement of the condition of plowing the trail in the wintertime.
Nancy O'Toole: I agree.
Chairman Nichols: Would you consider a condition that the City Council also look at the sightline around that curve?
Commissioner Waldrip: Yes, I think that is a really good idea. The vegetation that you were talking about. Would it be within the boundaries within this property?
City Engineer; Wes Johnson: That's the obstacle. Who owns that property? Does this developer have the right to clear that corner off? I think that is an issue that we address as we move forward.
Commissioner Waldrip: I am uncertain as to whether that should be a condition or not. I'd love to discuss that among those who know more about it that I do.
Chairman Nichols: Is there a question as to ownership on that property around that corner?
Planner Henke: This area of the City there is always a question of ownership. Mr. Lundin can attest to that. There are a lot of conflicting boundary lines so it's been difficult for us to determine who owns the right of way through much of Swiss Alpine Road. So, we need to clear up who actually owns that property.
City Engineer; Wes Johnson: Just the drawing leads me to question that it's their opinion that they don't own it. The issue of cleaning it is very easy, but I think as we move forward we try to address ownership of that.
Commissioner Waldrip: I hesitating to make that a condition if we're not sure who owns the property an in effect asking this developer to trespass on somebody else's property.
Chairman Nichols: Based on that drawing there is some part of this subdivision that is adjacent to that corner that you would want to be a part of a clean sight line. I would suggest rather than a condition just be a recommendation that City Council consider this sightline which we've heard from the City Engineer is perhaps as important as straightening the road way in moving forward with this and the surrounding developments.
Commissioner Waldrip: Commissioner O'Toole, are you okay with that?
Commissioner O'Toole: Yes, I am okay with that.
Commissioner Waldrip: So, the motion would then add a recommendation that the City Council consider the issue of sightline and existing vegetation and potentially improving that corner so that there is an appropriate sight triangle for that curve for traffic heading north and then east around the corner.
Seconded: Commissioner O'Toole
Chairman Nichols asked if there were any further discussion on the motion
There was none
Ayes: Commissioners Waldrip, O'Toole, J. Kohler, Nicholas and Ream
Nays: None
Motion: Passed

ITEM: 3

Berg Engineering, agent for Kent Buie, is requesting Preliminary approval of Cascades at Soldier Hollow Phase 2. The proposal is a large-scale subdivision

that is 11.23 acres in size and will contain 18 lots. The property is located at 500 West Cascade Parkway and is in the R-1-15 zone.

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.

Commissioners, staff and applicant discussion

- The asphalt roads in Phase 1 do not look like it is holding up very well
- Asphalt companies were using too high of a percentage of RAP (Remanufactured Asphalt Products) in the asphalt. They were using upwards to 35% RAP in their asphalt. Our current spec now says a maximum of 15% RAP
- Phase 1 are public roads and Phase 2 will also be public roads
- Discussion of what kind of curbing to do in Phase 2: Modified curb, Rural Cross section, Ribbon curb with swell
- To better match the aesthetic look of Phase 1, the applicant requested from the Commissioners to consider letting him do ribbon curb on each side and have the swell and do an 8-foot trail on one side of the road instead of having a 5-foot sidewalk on each side

Chairman Nichols asked if anyone from the public wanted to make a comment on this proposal

Earl Norris: I am the HOA president of Cascade Springs Subdivision Phase 1. As a board of directors of the HOA we have discussed this extensively and are thrilled to have Kent Buie and his group come in and develop Phase 2. The reason that we are excited about it is because it matches Phase 1 and they are using the same plan that the original developers had, the streets match up. They've also agreed to abide by our CCRs, essentially, they are going to add on to our neighborhood and it will look like a continuance of our neighborhood instead of a piece mill add on. Most people in our neighborhood have said that they are not real thrilled with 970 South coming in right

there. It looks really good on paper, but right now everybody has used that Cascade Parkway for a long time. For most of the residents it doesn't make sense to put in a new street especially when we don't know when 970 South is going to be completed. East bound it would be nice to have 970 South completed all the way out to 113, maybe that's 30 or 40 years in the future before that is completed. The people that live on 970 South now say that they really don't want that developed. A lot of push back from our neighborhood is that they don't want to see 970 South being our main route into the neighborhood. Aesthetically it looks good on paper, but overall, we are in approval for this new subdivision except for the entrance. One comment on the streets, you should the aerial photo that shows all of the cracking, we would love to have the City come in and maintain the road in Phase 1, if a little bit of maintenance was done on these roads they'd probably last longer. I agree with what you said, there is no curb or gutter there so it's not really stable. We have a neighborhood where we want the streets to look nice so a little bit of maintenance to the roads would be appreciated by our neighborhood.

Applicant Kent Buie: I agree with everything the engineer said with respect to 970 South. From our point of view after reading the development agreement we have an obligation as developers of this phase to build 970 South, that's not something worth resisting anyway and we are in agreement with that. Do we really need to abandon the existing road? One thought might be could we build that road to City standards and simply put up a gate or barricade for the time being so that at the appropriate time in years to come when 970 South extends westward and is complete then abandon the existing road and remove the gate or the barricade and then it would become the access point.

Chairman Nichols asked if there were any further comments or questions from Commissioners.
There was none

Motion: Commissioner O'Toole: I move that we recommend to the City Council preliminary approval for the Cascades at Soldier Hollow Phase 2. The proposal is a large-scale subdivision that is 11.23 acres in size and will contain 18 lots. The property is located at 500 W Cascade Parkway and is in the R-1-15 zone. We also recommend the possible findings from the staff and the engineer. There will be a condition that the developer will need to construct 970 South which will create a safer future intersection on Stringtown Road.
Seconded: Commissioner Ream
Chairman Nichols asked if there were any discussion on the motion
City Engineer; Wes Johnson: Is the Planning Commission recommending the cross section of ribbon curb and an eight (8) foot trail?
Motion: Commissioner O'Toole: Yes. Good question. I'd like that to match with Phase 1. I do agree with that, so I'll amend my motion.
Chairman Nichols: Does the second accept the amendment?
Commissioner Ream: I do.
Chairman Nichols asked if there were any further discussion on the motion

Ayes: Commissioners Waldrip, O'Toole, J. Kohler, Nicholas and Ream
Nays: None
Motion: Passed

ITEM: 4

Clint Kelson is requesting Final approval of the Kelson Subdivision – a rural preservation subdivision. The proposal is a small-scale subdivision that is 20.78 acres in size and will contain four lots. The property is located at Swiss Alpine Road and is in the R-1-22 zone.

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.

Commissioners, staff and applicant discussion

- The code does say that the driveway can be required to be paved by the City. In this case the City and the City Engineer has reviewed it and found that there are not any erosion issues in this area, so we are not requiring the driveway to be paved. The plan now is to have it a road base driveway, but at any time they could have it paved if they'd like to. The City will not have any maintenance of this private driveway whether it stays road base or the property owners decide to pave the driveway.
- The Kelson's have agreed to participate in the connection to Bigler Lane to gain two points of access to Swiss Alpine Road.
- As the trail is proposed along west bench ditch does that maintain the functionality as run off as suggested by the engineer?
- When the City drew the Master Trails plan the line was drawn along the ditch so it is to the side of the ditch, not on top of the ditch.
- The west bench ditch isn't functioning right now since pressurized irrigation system was implemented, but it does serve a purpose such as gathering some of

the storm drain run off.

- The intent wouldn't be to fill in the ditch, the intent is to continue to use the current access the ditch has had

Chairman Nichols asked if there were any further comments or questions from Commissioners.
There was none

Chairman Nichols asked if there were any comment from the public on this proposal.

Randy Lundin: West bench ditch is no longer. It's all been traded for new pipeline irrigation and new access.
City Engineer; Wes Johnson: That's the first I've heard of that. That is a real concern, because what Randy just said is Midway Irrigation and Midway City Public has no easement to continue to use that as a ditch. The irrigation company traded that easement away when they chose a different alignment for the pipeline. So that is probably something we want to address in our trail master plan. Again, because of what Randy just said the public no longer has a right to follow along that ditch alignment.
Planner Henke: As we go through the subdivision process we show that on the map. The Kelson's would deed to the City the section that crosses their plat for an easement for the trail. It is a good alignment in the fact that it follows a contour along the hillside and it's relatively clear compared to the rest of the hillside. We will be able to continue to add on to this trail as other subdivisions come in.

Chairman Nichols asked if there were any further comments or questions from the commissioners.
There was none.

Motion: Commissioner Nicholas: We recommend to the City Council final approval of the Kelson Subdivision which is a rural preservation subdivision located at Swiss Alpine Road in the R-1-22 zone and include the staff findings that the proposal does meet the intent of the General Plan for the R-1-22 zone. It does comply with the land use requirements of the R-1-22 zone and does comply with the requirements of the rural preservation subdivision code. We include the condition that the second point of access that was discussed earlier with the Saint-Prex Subdivision be finalized/formalized and be applied to this subdivision as well.
Seconded: Commissioner O'Toole
Chairman Nichols asked if there were any discussion on the motion
Commissioner Waldrip: I would just like to say that it's a great victory I think for all of us who are interested in preserving the rural character of our community and having as much open space as we can manage to have this development come in and sort of fit in with the legislative scheme that we came up with the rural subdivisions. I'd like to applaud the folks that have decided to do that. They didn't have to, they choose to. I think that's real evidence of a desire to maintain what we can of the rural nature of our

community and I'd like to congratulate those and thank those who are responsible for making that decision.
Chairman Nichols asked if there were any other discussion on the motion
There was none
Ayes: Commissioners Waldrip, O'Toole, J. Kohler, Nicholas and Ream
Nays: None
Motion: Passed

ITEM: 5
Lance Ford, agent for Jeannette S. Higginson, is requesting Preliminary approval of Haven Farms. The proposal is a large-scale subdivision that is 67.46 acres in size and will contain 20 lots. The property is located at 1170 South Center Street and is in the RA-1-43 zone.

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.

<u>Commissioners, staff and applicant discussion</u>

- The greenhouse encroaches a little bit on the flood plain, the reason is because there was a barn that had been on the property for decades and it burnt down a number of years ago and they were allowed to rebuild in that same location because there was a previous structure.
- The trail on Center Street would eventually connect all the way down to Utah Lake and to the future rail trail and over to Heber.
- The City attorney received a letter from the applicant's attorney earlier this afternoon and the recommendation of the City attorney is that he be given more time to work through the trail issues and that we continue this item until next month
- There are other issues besides the recommendation from the City attorney to continue concerning the trails would also include.
    - Lack of details in the construction drawings

- Flood plain issues that haven't been resolved
- Existing and proposed storm drain system
- Existing and proposed water system indicating size of waterline
- Fire hydrant placement
- Preliminary noxious weed plan, etc.

- With this property, we've had a number of iterations of different proposals which have always changed. Therefore, leaving us to lean towards continuance until we can be sure that everything is the way it's going to be.
- One of the points in the letter from the applicant's attorney it states that the applicant is willing to deed the easement for the trail along Center Street, but is unwilling to build the trail.

Applicant; Lance Ford:

- Passed out a hand out showing future amenities in the existing "greenhouse" structure
- Requested preliminary approval upon the condition of addressing and resolving the trails
-

Commissioners and staff discussion

Wes read the code
Willing to deed the land for the trail along the highway but not willing to pay for it to be built
Written memorandum

Motion: Commissioner Ream: I propose that we continue this to next month's meeting.
Seconded: Commissioner O'Toole
Chairman Nichols asked if there were any further discussion on the motion
There was none.
Ayes: Commissioners Waldrip, O'Toole, J. Kohler, Nicholas and Ream
Nays: None
Motion: This item is continued until the next planning commission meeting

ITEM: 6
Thom Wright is requesting a Conditional Use Permit for a mixed-use development that will include a business and a residence. The property is located at 231 West Main Street and is in the C-2 zone.

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.

Commissioners, staff and applicant discussion

- Does meet setbacks due to it being in the commercial zone. The north boundary there needs to be a 15' setback because it butts up against residential.
- Potential issue is putting up a fence at the north boundary.
- There will be required parking and they will meet the required parking.
- This is a legal non-conforming use.

Applicant; Thom Wright

- The initial proposal is to have soda and fries.
- We would like approval tonight for one residential unit and option to have a commercial site and if things go well then expand.

Chairman Nichols asked if there were any additional questions or comments. There were none.

Motion: Commissioner Waldrip: I move that we recommend to the City Council approval of the Conditional Use Permit of the property located at 231 East Main Street which is in the C-2 zone. The proposed commercial use is a permitted use, the proposed residential use is an existing use and so I think that we are doing a functionary code compliance act here and there is really nothing byway of conditions that we can add to it. There is a lot of stuff that has to be looked at and will be evaluated in the building permit stage and the other approvals that will need to be dealt with as the project goes forward.
Seconded: Commissioner Nicholas
Chairman Nichols asked if there were any further discussion on the motion There was none.
Ayes: Commissioners Waldrip, O'Toole, J. Kohler, Nicholas and Ream
Nays: None
Motion: Passed

ITEM: 7
Christopher Huffman & Ethan Poppleton, agents for Return Development LLC, is

requesting Final Approval for the Deer Creek Estates Subdivision Phase 2. The proposal is a large-scale subdivision that is 6.24 acres in size and comprises 10 lots. The property is located at 300 East Michie Lane (south side) and is in the R-1-15 zone.

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.

Commissioners, staff and applicant discussion

- The developer can put the turnaround within their subdivision. They are not dependent upon the Hughes to complete their subdivision. The City does not care where the turnaround is it just needs one
- This property is in the County, but is in our annexation declaration.
- It could be in the subdivision itself. City wants a temporary turn around wants the options to connect to the South for good traffic circulation. Easement deeded to the City for a public turnaround.
- The utilities will come to the edge of Mr. Hughes property.

Applicant; Ethan Poppleton

- The Hughes property is in Wasatch County and to give them access to Midway City infrastructure without them contributing to the tax base or to pay any impact fees going towards that infrastructure, there needs to be some give and take
- The Hughes property is currently land locked and the only access they have to it is through an easement from Mr. Stubs property to the east.
- Putting the turnaround on the Hughes property would give them 100 feet of paved driveway towards their future home in exchange for the turnaround easement.
- It would also create an access to the utilities for the Hughes
- We have a sewer easement in place with Mr. Stubs and we are prepared to bring the sewer into his property and we would not have to access Mr. Hughes

property at all.

Property owner to the south of Deer Creek Estates; Johnathan Hughes

- My wife and I have owned this property for over 40 years
- Mr. Hughes passed out a Memorandum of Understanding and an easement that can be signed over the Midway Sanitation District
- If the applicant wants to sign the Memorandum of Understanding, they can start

Applicant Ethan Poppleton stated that he has not seen the Memorandum of Understanding

Chairman Nichols: Why has the Memorandum of Understanding not been shown to the applicant yet? Why are we seeing it before they are?
Mr. Hughes: I was not notified of this meeting.
Commissioner Waldrip: That is because you your parcel is in Wasatch County.

- Why would the City allow Deer Creek Estates to cut us off from access to that public street?
- With these easement, the sewer district would be able to come on and do whatever they need to do and this easement is over a half acre all my wife and I are asking for in return is two hook ups and access.
- Our piece is only 200' wide and the turnaround is so large in proportion to our lot

Motion: Commissioner Nicholas: We recommend to the City Council final approval for the Deer Creek Estates Subdivision phase 2. It is a large-scale subdivision comprising ten (10) lots and it is at located 300 Michie Lane and is in the R-1-15 zone. With a condition that the City be given an easement for a turnaround either on the applicant's development or Mr. Hughes property, we don't care which. We accept the staff findings that the proposal meets the intent of the General Plan for the R-1-15 zoning district and it does comply with land use requirements of the R-1-15 zonings district.
Seconded: Commissioner Waldrip
Chairman Nichols asked if there were any discussion on the motion
There was none
Ayes: Commissioners Waldrip, O'Toole, J. Kohler, Nicholas and Ream
Nays: None
Motion: Passed

ITEM: 8
Adjournment
Motion: Commissioner Waldrip: I move to adjourn Mr. Chairman
Time: 9:24 pm

James Kohler – Co-Chairman

Lindy Rodabough – Admin Assistant