Midway City Planning Commission Regular Meeting
September 20, 2017

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., September 20, 2017, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance:
Steve Nichols - Chairman
Jim Kohler - Vice-Chairman
Natalie Streeter
Stu Waldrip
Jeff Nicholas
Bill Ream
Kevin Payne
Nancy O'Toole

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

Excused
Shauna Kohler

6:50 P.M. Work/Briefing Meeting

- City Council Liaison Report, no action was taken and the public was welcomed 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 Stu Waldrip
  - Chairman Steve Nichols led the Pledge of Allegiance

ITEM: 1

Review and possibly approve the Planning Commission Meeting of August 16, 2017.

Chairman Nichols asked if there were any comments or corrections for the minutes of August 16, 2017

Chairman Nichols: If there are no other comments, I'll call for a motion.

Motion: Commissioner Streeter: I move that we approve the Planning Commission minutes of August 16, 2017, with corrections that have been duly noted.
Seconded: Commissioner O'Toole
Chairman Nichols asked if there were any discussion on the motion. There was none
Ayes: Commissioners Streeter, Waldrip, J. Kohler, O'Toole, Nicholas, Payne and Ream
Nays: None
Motion: Passed

ITEM: 2

Berg Engineering, agent for Kent Buie, is requesting Final 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:

- Land use summary
- Background
- 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>

- Both curves will be 90 degrees on Swiss Alpine Road
- Landscaping near the 90 degree turns, keeping the line of site
- Raised curb around the round-about
- Will be a stop sign at any of the T intersections
- Precautions with landscaping will be taken so that vehicles will not slide into the lots of this subdivision

Chairman Nichols: Commissioners, any other comments or questions?

Chairman Nichols: Commissioners, any other comments or questions?
There was none.
Chairman Nichols: If not I will look for a motion.

Motion: Commissioner Waldrip: I'll move that we recommend final approval of the Saint-Prex Estate proposal a large-scale subdivision that is 11.54 acres and contains 16 lots. The proposal is located roughly at 800 West Swiss Alpine Road and is in R-1-22 zone. We find that the proposed development meets the intent of the General Plan for this zone. The proposal complies with the land use requirements for that zone. The development does not presently have two points of access, but there is a potential for two points of access in the near future. The trails crossing the property will benefit the community by creating an area to walk separated from Swiss Alpine Road, which will help with pedestrian safety. We accept and approve the report of the staff. One of the conditions the plat be noted clearly with the easement for utility purposes on the easterly side of the property and the road extension agreement that is contemplated by the submission be signed and all obligations of that agreement be met before the plat is recorded.
Seconded: Commissioner J. Kohler
Chairman Nichols asked if there were any discussion on the motion. There was none
Chairman Nichols: All in favor of the motion
Ayes: Commissioners Streeter, Waldrip, J. Kohler, O'Toole, Nicholas, Payne and Ream
Nays: None
Motion: Passed

ITEM: 3

Mike Kohler, with Midway Irrigation Company, is proposing a Conditional Use Permit for an irrigation booster station that will be located to the west of the Midway Irrigation Company's pond which is located north of Dutch Fields. The booster station will be part of the secondary irrigation system and will supply water for outside irrigation to areas north of the pond. The proposal is in the RA-1-43 zone.

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

- Land use summary
- Background
- 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

- What is the height of the building?
- On the north side, the peak will probably be about 6 feet. The building is 10-foot square, looking from the south 10 feet square so it will be about 13 feet looking from the south. The double door is the south view and on the right side will probably be only about 4 feet to the eaves.
- The motors are all modern motors and cannot be heard unless you are in the building. The fan that exhaust the heat makes more noise than the motors do.
- The building will be a block building with insulation.

Chairman Nichols opened the meeting to the public

Ryan Johansen: Was there any other consideration of where to place the new building?
Applicant; Mike Kohler: One is here and it can't be anywhere on the south because it would interfere with the berm. Which brings up another point. We can't plant any trees within our fence because of dam regulations this is considered a high-risk dam because of the multiple structures and homes below it. Any other placement would increase the elevation of the structure and the cost would have been too high. In this location, it will be lower in the ground and will have better sound proofing it also will not freeze in the winter.
Ryan Johansen: What was the cost benefit?
Applicant; Mike Kohler: The cost on the other one was 1/3 more.
Ryan Johansen: How loud is the fan that cools the pump house?
Applicant; Mike Kohler: I don't know the decibel level, but we have two other ones in town that I'd be happy to show you. This one we plan on facing it toward Burgi Hill. There are several of these over in Heber that are out in the open and you cannot hear them. You will not hear these ones.

Chairman Nichols: If there are no further comments or questions I'll look for a motion.

Motion: Commissioner Streeter: I move that we approve the Conditional Use Permit for Midway Irrigation Company for their irrigation booster system located on the west of the Midway Irrigation Company pond, that pond is located to the north of Dutch Fields. The proposed use is a conditional use in the RA-1-43 zone it does meet the vision for agricultural use in that zone as described in the General Plan. We accept the findings of staff and no additional conditions on their proposal.
Commissioner Payne: Does the motion include the proposed two conditions that staff

recommend?
Commissioner Streeter: Yes.
Seconded: Commissioner Ream
Chairman Nichols asked if there were any discussion on the motion. There was none
Chairman Nichols: All in favor of the motion
Ayes: Commissioners Streeter, Waldrip, J. Kohler, O'Toole, Nicholas, Payne and Ream
Nays: None
Motion: Passed

ITEM: 4

Micah Owens is applying for a Conditional Use Permit for a Cottage Industry Bed and Breakfast business. The property is 2.74 acres in size and is located at 79 North Johnson Mill Road and is the R-1-15 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: 5

John Platt is applying for a Conditional Use Permit for an alcohol dispensing establishment. The restaurant will be called the Midway Mercantile and is located at 99 East Main. The property is 0.22 acres in size and is located the C-3 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

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<u>Applicant; John Platt</u>

- Owned a restaurant in Seattle for 17 years. It was a successful neighborhood

restaurant with lots of families that came in there. We never had a thought of having a neon sign and would never do that. It's good to put that in there, because who knows someday we may sell this and you want to make sure that's there. That's not we're trying to do.

- The bar and the sports lounge are separate
- The bar is more centrally located in more of a discreet spot
- Minors can walk past a bar, seating of minors has to be at least 10 feet away from the bar
- The sports lounge does not/will not have a bar in it. It will have multiple TVs in there. We created it for families to be able to sit and watch TV together, while keeping it separate from the bar. The sports lounge is about watching sports enjoying food and having a good time together. The bar is an opportunity for people to have alcohol if they want to have it.
- Will have a host station up front to seat customers
- The bar itself does not have any windows

Commissioners, staff and applicant discussion

- No alcoholic beverage signs outside and the interior signs need to be 10 feet back from any window.

Motion: Commissioner Nicholas: I move that we recommend approval of a Conditional Use Permit for an alcohol dispensing establishment for the Midway Mercantile Restaurant which is located at 99 East Main and is located in the C-3 zone. We accept the staff report and the findings that the proposed license would allow the sale of beer, wine and liquor at the Midway Mercantile Restaurant. The property is not within 600 feet walking distance of public property, but the property is within 600 feet of walking distance of the Big Red afterschool house. The property is next to a school crossing on Main Street. The state will require a proximately variance because of the location of the Big Red afterschool house. The state does regulate this type of alcohol license. We add a condition that no alcohol related signage is located within ten feet of any of the south windows of the Midway Mercantile or on any of the exterior of the building. The word bar would be an acceptable word in any sign.
Chairman Nichols: Do we have a second
Seconded: Commissioner Waldrip
Chairman Nichols: We have a second. Any discussion, questions or comments on the motion?
Commissioner Payne: I would like to suggest just for clarification. Rather than state exclusion of the south exterior just makes it exclusion of any alcohol related signage on the exterior of the building or within ten feet of any interior window with the exception of the word bar.
Commissioner Waldrip: You don't mean interior window, do you? You just mean within ten feet of any window.
Commissioner Payne: Correct.
Chairman Nichols: Do you accept that modification to your motion?
Commissioner Nicholas: Yes, it sounds like what I tried to say, so yes.

Commissioner Waldrip: We want to make it clear that the word bar is not intended to be excluded.
Chairman Nichols: Any further debate or questions on the motion?
There was none.
Chairman Nichols: All in favor
Ayes: Commissioners Streeter, Waldrip, J. Kohler, O'Toole, Nicholas and Ream
Nays: None
Motion: Passed

ITEM: 6

Nora Lundin, agent for Lundin/Hill Subdivision, is requesting Preliminary Approval of a large-scale subdivision that will be called Lundin/Hill Subdivision. The proposal is for eleven lots on 7.77 acres and is located in the R-1-22 zone. The proposal is located approximately at 900 West Swiss Alpine Road.

***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: 7

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code that would amend the ordinance for animal rights in all zones. This item is based on amendments made to the General Plan that were adopted earlier this year. Those amendments promote allowing animal rights in zones where they are currently not allowed.

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.

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

- Selling of eggs…Want this a personal use and not a commercial business
- Restrict roosters to only the RA-1-43 zone

Chairman Nichols: If there are not further comments I'll request a motion.

Motion: Commissioner Streeter: I move that we approve the code text amendment of

Midway City's land use code to allow animal rights in all residential zones. We accept the findings of staff. We suggest that item "B" be removed from the chicken ordinance and that attempts be made to keep the final wording of the ordinance consistent with other elements of Midway City's ordinance and appropriate County ordinances. As presented right now item "A" in the chicken ordinance be applied to all zones except for the RA-1-43 zone.
Seconded: Commissioner Nicholas
Chairman Nichols: Any questions or discussion on the motion?
There was none
Chairman Nichols: All in favor
Ayes: Commissioners Streeter, Waldrip, J. Kohler, O'Toole, Nicholas, Payne and Ream
Nays: None
Motion: Passed

ITEM: 8

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, staff and applicant discussion

- Make setbacks uniform
- The idea of PUDs is to cluster

Chairman Nichols opened the meeting to public comment

Jennifer Brewer

- Small scale subdivision & the depth of the setback
- How does something land wise become a lawsuit?
- When it was discussed about changing the setbacks on the large scale, 600 North is not listed as one of those roads, but that is up for discussion?

- What would be required to get a road added to the list?
- In addition to collector roads would you consider any larger parcels knowing in the future they will be developed? Don't look at it for today, but look at it from a decade from now.
- For example, if there are only 5% of large parcels left wouldn't it behoove the community to consider the roads off of the larger parcels knowing that in the future it will be developed in turn to have the setbacks knowing traffic comes with development.
- Correct, I'm saying in addition.

Staff and commissioners

- It becomes a lawsuit if you buy a piece of property that is buildable and we change the code so that it is no longer buildable, that's when it becomes a lawsuit.
- Currently we have a list in the code and 600 North is not listed there, it could be added to the list for this code text amendment. If somebody does a PUD though there currently is a 100-foot setback.
- That is what we are discussing tonight and what we want to include in that code.
- That's a good point. Are you saying not so much of the classification of the roadway, but the size of the parcels?
- She brings a good point. I believe 600 North is a local collector. I'd want to go back and look at our transportation masterplan, I think that has more impact if it stays as a local collector. I think Jennifer is on to something, we look at acreage as well as roadways.

Holly Bodily

- Water is a big issue. I know things get put in that need to be watered. It's looking short on water so I'd love for that to at least be considered.
- Will there be landscaping guidelines be given to developers for these setbacks, or is it discretionary to each development?
- Fencing bringing it up towards the road. Can they be required to be back along the perimeters along the houses and the lots. Fencing cannot begin until it's along the home.

Planner Henke: We do look at the water requirements for each subdivision. There is a water advisory board that looks at every proposal and they make a recommendation to the City Council as to how much water would need to be turned over to the City. Regarding fencing, it sounds like we are heading towards a code text amendment.
Applicant; Wes Johnson: In the past, the water board looked at it as traditionally that has not had water therefore we cannot irrigate it. Michael and I have taken a different approach in that I don't think that has anything to do with it. Developers have come to us and said that traditionally has never had water. We said so, we want this area landscaped go buy more water. We look at it more as here is the landscaping we want on it, not if it has or has not traditionally had water or not.

Chairman Nichols: Any further comments or questions?
There was none.

Motion: Commissioner Waldrip: The sense of the Commission is to continue this item from a month to ask the staff to take into account all these comments that we've heard from the public and from the members of the commission tonight them come back with a recommendation in a month.
Seconded: Commissioner O'Toole
Chairman Nichols: Any questions or discussion on the motion?
Commissioner Ream: Are we saying a recommendation or do we want options?
Commissioner Waldrip: A recommendation covering all the landscape of the things that we've talked about tonight that might include options.
Chairman Nichols: We are asking for proposed language, a code text amendment that we could vote up or down on or amend.
Chairman Nichols: Any other questions or discussion on the motion?

Chairman Nichols: All in favor.
Ayes: Commissioners Streeter, Waldrip, J. Kohler, O'Toole, Nicholas, Payne and Ream
Nays: None
Motion: Continued

ITEM: 9

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code that would amend the frontage and acreage requirements as related to open space for large-scale subdivisions located in Sections 16.16.12 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
- 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 and staff discussion

- Will eliminate or reduce the demand on our transportation system
- Is the lack of density more important to us or is the increased amount of open space more important to us?
- If the open space is in the interior there shouldn't be a bonus for that and would only be given if the open space was a community benefit on the roads and so forth that you would get a bonus on your density.
- If we have the setback requirement of those larger sizes then that forces the open space to be along the road.

Chairman Nichols opened the meeting to public comment
No public comments
Chairman Nichols closed the meeting to public comment

Motion: Commissioner Waldrip: I move that we recommend the code text amendment to the City Council that would eliminate the frontage and acreage credit in section 16.16.12 of the land use code. We accept and approve the findings and recommendations by the staff. We note that we may want to make further adjustments to this subject matter at some later date. We add a finding that eliminating the credits as I expressed would have a positive impact on traffic flow.
Seconded: Commissioner Streeter
Chairman Nichols: Any questions or discussion on the motion?
There was none
Chairman Nichols: All in favor
Ayes: Commissioners Streeter, Waldrip, J. Kohler, O'Toole, Nicholas, Payne and Ream
Nays: None
Motion: Passed

ITEM: 10

Midway City is proposing a Code Text Amendment of Midway City's Land Use Code of Section 16.18 that would amend the access requirements for Rural Preservation Subdivisions.

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, staff and applicant discussion

- We should add the word "necessary" at the end after not considered. So, it would read "cul-de-sac length limitations are not considered necessary."

Chairman Nichols opened the meeting to public comment
No public comments
Chairman Nichols closed the meeting to public comment

Motion: Commissioner Nicholas: I move that we recommend approval of the code text amendment to Midway City's land use code section 16.18 that would amend the access requirements for rural preservation subdivisions. We accept the staff report and the findings that only one point of access will be required for rural preservation subdivisions the proposed language will clarify access requirements and it was never the intent of the code to require two points of access.
Chairman Nichols: If I may suggest an additional finding that the City engineer pointed out. The roadway is not a public roadway which further explains why these limitations are not applied.
Commissioner Nicholas: I add that finding to my motion.
Commissioner Waldrip: Could I add the suggestion that we add the word necessary to the end of the proposed code text.
Commissioner Nicholas: Yes, I will add the word necessary to the end of the code text.
Seconded: Commissioner Payne
Chairman Nichols: Any questions or discussion on the motion?
There was none
Chairman Nichols: All in favor.
Ayes: Commissioners Streeter, Waldrip, J. Kohler, O'Toole, Nicholas, Payne and Ream
Nays: None
Motion: Passed

ITEM: 11

Adjournment
Motion: Commissioner Waldrip: Motion to adjourn
Time: 10:01 pm

Vice Chairman- Jim Kohler

Admin. Assistant - Lindy Rodabough