

Midway City Planning Commission Regular Meeting April 20, 2016

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

Attendance:

Mickey Oksner – Chairman
Steve Nichols – Co-chairman
Stu Waldrip
Bill Ream
John Rather
Jim Kohler

Staff:

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

Excused

Chip Maxfield
Nancy O'Toole
Natalie Streeter

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 March 16, 2016

Motion: Commissioner Waldrip: I move to approve the minutes as corrected.

Seconded: Commissioner Ream

Ayes: Commissioners Nichols, Kohler, Ream, Waldrip and Rather

Nays: None

Motion: Passed

ITEM: 2

James Mack, agent for Robert Brinton, is requesting Preliminary/Final approval for a small-scale subdivision to be called Brinton Subdivision that will contain two lots. The property is 0.9 of an acre and is located at 310 West 200 North and is in the R-1-9 zone.

BACKGROUND:

This request is for preliminary/final approval of a small-scale subdivision on 0.9 of an acre and will contain two lots. The two lots proposed in the subdivision will obtain frontage along 200 North and Pine Canyon Road (access will be limited from 200 North because it is a collector street). The property is located in an R-1-9 zoning district and the lots do comply with the minimum requirements of frontage, width and acreage for a lot in this zone. The property has one dwelling on the property that will remain for the time being. If the dwelling is removed than a future dwelling will need to comply with the required setbacks.

LAND USE SUMMARY:

- 0.9-acre parcel
- R-1-9 zoning
- Proposal contains two lots
- Frontage along Pine Canyon Road and 200 North
- 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 the corner lot will be limited to Pine Canyon Road. 200 North Lane is a collector road on the City's Master Transportation Map so access is limited unless specifically approved by the City Council. A note will be placed on the plat that will explain the access for the corner lot. Access for lot 2 will be from 200 North.

Water Connection – The lot will connect to the City's water line located under 200 North.

Sewer Connection – The lot will connect to Midway Sanitations District's line located in the area.

Secondary Water Connection – The lots will connect to Midway Irrigation Company's secondary which is already servicing the property. A lateral will be created for both lots.

Homestead Trail – The developer will dedicate a 10’ public trail easement along Homestead Drive. The trail will be built by the City in the near futures and will help complete the master trail plan. The installation of the trail will help with the pedestrian safety along 200 North.

Potential duplexes – Both lots meet the current code requirements for the R-1-9 zone for the ability to have duplexes constructed on them. If a future lot owner would like to construct a duplex, and the code still allows duplexes, then the required water must be turned over to the City for the extra dwelling unit(s).

WATER BOARD RECOMMENDATION:

The Water Board has recommended that three-acre feet are submitted to the City before the recording of the subdivision plat. The developer was credited 3-acre feet for the existing dwelling and landscaping for one lot. If a duplex is proposed on either lot, then an extra 1-acre foot must be submitted to the City for each lot containing a duplex.

POSSIBLE FINDINGS:

- The proposed lot meets the minimum requirements for the R-1-9 zoning district
- The proposal does meet the intent of the General Plan for the R-1-9 zoning district
- The subdivision will dedicate a trail easement to the City to help us complete the trail in the area which will make pedestrians safer by allowing them a place to walk off the road

ALTERNATIVE ACTIONS:

1. 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)
2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
 - Accept staff report
 - a. List accepted findings
 - b. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - c. Date when the item will be heard again

3. 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.

Commissioner Kohler: Would the water requirement change if the existing home gets demolished and a new house were built?

Planner Henke: Yes

Chairman Oksner: Does the detached garage need to be torn down as a part of lot one?

Planner Henke: Yes

Chairman Oksner asked if there were further questions from commissioners

There was none

Motion: Commissioner Rather: We recommend approval for Robert Brinton who is requesting preliminary final approval for his small scale subdivision that will contain two (2) lots at 310 W 200 N and is in the R-1-9 zone. We recommend without any conditions from the Planning Staff.

Commissioner Waldrip: John, do you want to adopt the findings?

Commissioner Ream: Do we need to make the trail easement a condition?

Commissioner Nichols: It's a finding.

Commissioner Ream: It's a finding, ok.

Planner Henke: Just a small note in the Staff report the water recommendation is correct, just in the slide it is not correct. It is 3 acre feet of water.

Seconded: Commissioner Ream

Ayes: Commissioners Waldrip, Nichols, Kohler, and Ream

Nays: None

Motion: Passed

ITEM: 3

Paul Berg, agent for Probst Family Funerals, is requesting a Conditional Use Permit for a mixed use development that will include a mortuary and a residence. The property is located at 741 East Main and is in the C-2 zone.

BACKGROUND:

This request for a Conditional Use Permit (CUP) by Clint Probst is for a mixed use project that will include a funeral home and a residential unit. The parcel on which the project is proposed is zoned C-2 and currently is undeveloped and being used for agriculture. The parcel is 0.75 acres

in size and has about 170 feet of frontage on Main Street. Mr. Probst is currently running his business at 79 East Main Street but he would like to build a new facility that will include his personal residence.

The City's Land Use Code does allow mixed use projects in the C-2 and C-3 zones as a CUP as long as requirements are met. First, the commercial square footage of the project must be at least 20% of the square footage of the entire project. The applicant has met this requirement because the square footage of the funeral home is greater than the square footage of the residential unit. The building itself has a footprint of 8,000 square feet.

The proposed plan has its access directly from Main Street. Access will need to be approved by the City and by UDOT since Main Street is a state owned and maintained road. Parking requirements include a minimum of 40 stalls or one stall for each 60 square feet of floor space in the assembly rooms, whichever is greater. For the proposal the requirement is 42 stalls based on the 2,520 square feet that is planned as assembly areas. Also, two stalls are required for the residence (located in the attached garage.) Finally, water requirements must be met which include the dedication of the required acre feet that are needed for the project. The Water Board will review the project during their May 2nd meeting.

The site plan does comply with the requirements for a commercial use in the C-2 zone. The code requires any commercial buildings to have a setback of 10' to 30' from Main Street. The proposal has a 10' setback on the proposed plan. Setbacks bordering residential uses require a 15' setback. There are residences on both the west and the north of the project and the setback is much greater than 15' on both of the aforementioned sides. The setback on the east is a zero lot line because the property is in the commercial zone and is not being used for residential. The proposed setback on the east is 10'. The City has planned a future public road to the east of the property. If the road does border the proposal in the future, the proposed setback will comply with the 10' setback. There will also be an access from the proposal to the future road once that road is built.

The City would like to extend the street profile that is present from 200 West to 300 East. This will include curb and gutter, an extended park strip, 6' sidewalks, and parallel parking. The site plan does not yet reflect this street profile.

This item has been noticed in the local newspaper for two weeks and on the State's website for the Planning Commission meeting. Mailed notice will be sent out to all property owners within 600' before the public hearing before the City Council.

ANALYSIS:

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the Planning Commission must make in considering this request. Section 16.26.120 requires specifically the Planning Commission to find that:

1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code; *planning staff*

believes that the proposal will not impair the integrity and character of the C-2 zone. The proposal appears to comply with the requirements specific to mixed use developments as listed earlier in this report. The design of the project does generally follow the architectural guidelines listed for commercial development in the C-2 zone; the VAC will review the project before the item is scheduled for a City Council agenda. Also, as staff has analyzed the proposal it appears that it will comply with the provisions of the Code.

2. The proposed use is consistent with the General Plan; *the proposal does meet the vision of the General Plan by creating a mixed use environment that helps create an active Main Street. The architecture of the proposed building also does include some of the architectural suggestions as listed in the code.*
3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *the business that will be located in the development is required to have an approved business license with the City. The business will need to apply for a license and it will be issued once all the requirements are met.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *the proposal will be engineered for drainage and all increased runoff will be captured and stored in sumps or detention ponds that will be installed on site.*
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *the proposed uses will create more traffic for the area and that is expected in the commercial zone. Traffic will increase to the property and on the surrounding roads.*
6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the location is suitable for this type of business.*
7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to insure that the proposed use would not be detrimental to public health and safety; *UDOT will need to approve the driveway location since Main Street is a state road.*

WATER BOARD RECOMMENDATION:

The Water Board recommended has yet to review the proposal. There review will take place before the proposal is heard by the City Council.

VISUAL AND ARCHITECTURAL COMMITTEE RECOMMENDATION:

The Visual and Architectural Committee has yet to review the proposal. There review will take place before the proposal is heard by the City Council.

POSSIBLE FINDINGS:

- The proposed use is a conditional use in the C-2 zone.
- The proposal will increase traffic to the area.
- The proposal does comply with the vision of Main Street as described in the General Plan.

ALTERNATIVE ACTIONS:

1. Recommendation of 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)

2. 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

3. 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

PROPOSED CONDITIONS:

1. Construction plans will need to be approved by the City Engineer before construction of any improvements.
2. UDOT must approve of the proposed driveway location.
3. Midway Sanitation District must review the plans for the project before approval is granted.

Chairman Oksner asked if there were further questions from commissioners

There was none

Motion: Commissioner Waldrip: I move that we recommend approval of the Probst Family Funerals item for a Conditional Use Permit for a mixed use development that will include both a mortuary and a residence. The property is located at 741 East Main Street and is in the C-2 zone. We adopt the findings by the staff and also adopt the conditions that are proposed by the staff for approval of the constructions plans by the city engineer before construction begins and approval by UDOT for the proposed driveway location and review and approval of the plans as far as the sewer connection is concerned by the Midway Sanitation District. I don't think that we need to say anything about the parking, do we?

Planner Henke: No

Commissioner Waldrip: We would recommend approval then if the motion is passed.

Seconded: Commissioner Kohler

Chairman Oksner asked if there were any further discussion

There was none

Ayes: Commissioners Waldrip, Nichols, Kohler, Ream and Rather

Nays: None

Motion: Passed

ITEM: 4

Mark Steven Banks is proposing a Conditional Use Permit for a mixed use development that would include one residential unit, a commercial building, and warehousing and mini-storage units. The property is approximately located at 525 East Main Street and is in the C-2 zone.

BACKGROUND:

This request for a Conditional Use Permit (CUP) by Mark Steven Banks is for a mixed use project that will include two commercial buildings, a residential unit, and commercial storage units. The parcel on which the project is proposed is zoned C-2. The parcel is 6.17 acres in size of which the office/retail/caretaker area is 1.19 acres and the storage unit area is 4.98 acres.

Last year the Planning commission and the City Council reviewed the permitted and conditional uses in the C-2 and C-3 zones. During that revision there were some additional requirements

added to the code regarding warehousing and storage units. Those new requirements are the following:

The following requirements apply to Warehousing and Mini-Storage Units in zones where they are allowed:

A. All Warehousing and Mini-Storage Units shall have a setback of 150' from any public road.

B. The colors used on Warehousing and Mini-Storage Units structures shall be neutral and will be reviewed by the VAC.

C. All storage, including vehicles, of any items in Warehousing and Mini-Storage Units facilities shall be located under a roof.

D. All applicants for Warehousing and Mini-Storage Units shall be required to propose and build on the site one or more additional structures not used for storage, to be located within the 150' setback area, in order to reasonably screen the Warehousing and Mini-Storage Units from view from the frontage of the property. Such structures shall be built prior to or concurrently with construction of the Warehousing and Mini-Storage Units and shall be subject to review by the VAC.

E. A combination of a fence and appropriate landscaping shall be used on all sites of a Warehousing and Mini-Storage Unit facility to screen the structures from view and provide security for the property. The fencing and landscaping plan shall be proposed by the applicant and reviewed and approved by the City as part of the conditional use process.

The proposal does include the 150' setback for the 630 storage units. This provision was added to the code for multiple reasons. One was to allow other uses to buffer the storage units from view from public roads, especially Main Street. Another reason was to have more active uses such as retail and restaurants occupy the area along Main Street which meets the General Plan's goal of creating an active and vibrant Main Street. On 12-8-2015 the VAC reviewed preliminary plans of the project. Many suggestions regarding architecture and landscaping were made and another meeting was held 12-15-2015. All aspects for the proposal were reviewed and the architect for the project, Clayton Vance, presented new renderings at that second meeting. The VAC did recommend approval of the project on the previous site as depicted in the renderings from the second meeting that are attached to this staff report. The proposal does have all storage located under a roof. The purpose of this provision was to avoid seeing stored items such as boats and RVs when viewing Midway from vantage points from Wasatch Mountain State Park and especially from Memorial Hill. Item four in above code requires that additional structures in the 150' setback are built before or concurrently with and storage units. The developers have proposed three buildings in the 150' setback which include a caretaker dwelling, a two-story office building, and a larger two-story commercial building that will have offices on the upper floor and the bottom floor could have a restaurant, health clinic, or retail space. The final item in the code requires landscaping and fencing to screen the storage unit area of the proposal. The developer has submitted drawings that have landscaping throughout the project and some fencing. Along the north, east, and west sides of the storage unit area the backs of the structures

will act as the fencing. There will also be landscaping along most of the perimeter of the development except for part of the east side.

There are 45 on-site parking stalls on the proposed site plan. Because it is still unknown the exact uses in the commercial buildings it is impossible to calculate the number of stalls required by the code. For most uses the code requires a stall for every 250 sq. ft. of public accessible space and two stalls for each residential unit. Based on the 45 stalls on the plan, two stalls would be assigned for the caretaker dwelling and the public accessible space could be up to 10,750 sq. ft.

The City would like to extend the Main Street road profile that is found from 300 East to 200 West all along Main Street to the Hamlet Park. The proposed project is located in this improvement area. The developer will need to construct curb, gutter, park strip, and sidewalk along the frontage of the property to comply with this plan.

This item has been noticed in the local newspaper for two weeks and in the State's website for the Planning Commission meeting. Mailed notice was sent out to all property owners within 600' before the public hearing by the City Council.

ANALYSIS:

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the City Council must make in considering this request. Section 16.26.120 requires specifically the Planning Commission to find that:

4. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code; *planning staff believes that the proposal will not impair the integrity and character of the C-2 zone. The proposal appears to comply with the requirements specific to storage units as listed earlier in this report. The design of the project does generally follow the architectural guidelines listed for commercial development in the C-2 zone; the VAC has reviewed the project on the previous site and made a recommendation for approval. Also, as staff has analyzed the proposal it appears that it will comply with the provisions of the Code.*
5. The proposed use is consistent with the General Plan; *the City has recently debated if this use is consistent with the General Plan and it was determined that this use is consistent with the General Plan as long as there is a 150' setback and other uses occupy that setback area and the structures comply with the architectural requirements the City has adopted. The office space and retail/restaurant that will be located near Main Street also do comply with the vision of the General Plan.*
6. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *the businesses that will be located in the development are required to have approved business licenses with the City. The businesses will need to apply*

for licenses and they will be issued once all the requirements are met such as the issuance of the Conditional Use Permit among other requirements.

8. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *the proposal will be engineered for drainage and all increased runoff will be captured and stored in sumps or detention ponds that will be installed on site.*
9. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *the proposed uses will create more traffic for the area and that is expected in the commercial zone. Traffic will increase to the property and on the surrounding roads. The storage unit business should be relatively quiet because of the infrequent visits to the storage units that are expected but because of the quantity of storage units (630) it is expected that there will be steady traffic to the development.*
10. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the location is suitable for this type of business.*
11. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to insure that the proposed use would not be detrimental to public health and safety; *UDOT will need to approve the driveway locations since Main Street is a state road.*

POSSIBLE FINDINGS:

- The proposed use is a conditional use in the C-2 zone.
- The proposal will increase traffic to the area.
- The VAC has recommended approval of the proposed renderings on the previous site of the structures and landscaping.

WATER BOARD RECOMMENDATION:

The Water Board recommended that 27 acre feet of water (nine Midway Irrigation shares) are placed in escrow with the City until the uses in the commercial buildings are determined. Once the commercial uses in the buildings are decided an accurate water use calculation will be determined and the shares will be taken from escrow and put in the City's name. It is possible

there will be extra shares or even that more shares will be needed, this will be determined once all the water use information has been gathered.

ALTERNATIVE ACTIONS:

4. Recommendation of 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)

5. 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

6. 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

PROPOSED CONDITIONS:

4. Construction plans will need to be approved by the City Engineer before construction of any improvements.

5. UDOT must approve of the proposed driveway locations before site improvements are commenced.

6. Midway Sanitation District must review the plans for the project before approval is granted.

Architect, Clayton Vance: The Office building on the left use to be a two (2) story building and it has now been reduced to a one (1) level building. Very few changes, the proportions are still great and it still looks really nice.

Applicant, Steven Banks: We've made a few modifications, it is essentially the same footprint. However, after talking to our expert in the industry we've found out that these different sizes around the perimeter will really cause damage with snow plowing, and after the damage it will create leaks in these units that are bordering each other that are different sizes. The new plan has some, but not as many. The roofing will not change we will still break up the roof lines. One other minor change is with the temperature controlled building which is on the East side of the property if you're standing on Main Street looking in will now be on the West side of the property. We've also been able to add more parking which we now have more than what is required.

Chairman Oksner: What is the number of storage units?

Applicant, Steven Banks: Around 690.

Planner Henke: The plan is to have everything built all at once, correct?

Applicant, Steven Banks: Correct, but if not at once we'd build the office buildings that are along Main Street first.

Chairman Oksner: Will there be a wall and vegetation?

Applicant, Steven Banks: Yes, there will be both.

Commissioner Ream: What will your lighting be?

Applicant, Steven Banks: Everything the City allows, because this will be a 24-hour access.

Chairman Oksner: Have you solicited or in any way surveyed what will likely be in the office space?

Applicant, Steven Banks: The top floor will most likely be executive offices so CPA's, bookkeepers, attorneys, photography, we have some interested parties in that. The lower floor we have talked to a couple of restaurants and we are in active dialog with Intermountain Health Care They've been interested in opening up a clinic here for some time now.

City Engineer, Wes Johnson: I'm anxious to look at the new construction plans, because there is a lot of impervious area and not a lot of detention ponds or snow storage space.

Chairman Oksner asked if there were further questions from commissioners

There was none

Motion: Commissioner Ream: I move that we approve the Conditional Use Permit for the Midway Self Storage and Office project at 525 East Main Street. We include the staff findings that the proposed use is a conditional use in the C-2 zone the proposal will increase traffic in the area and the VAC has recommended approval of the proposed renderings on the previous site of structures and landscaping and will look at it again. We also include the conditions listed on the slide that reads "The Midway water board must view the project before the item is heard before the City Council and to assure a finished product quality and design the project architect will be required to review the project through the construction process."

Seconded: Commissioner Waldrip

Chairman Oksner asked if there were further discussion from commissioners

Commissioner Nichols: Should a condition also be included that Mr. Johnson will review and approve for water management and snow removal?

Planner Henke: I think number one (1) will cover that.

Chairman Oksner asked if there were further discussion from commissioners

There was none

Ayes: Commissioners Nichols, Kohler, Ream, Waldrip and Rather

Nays: None

Motion: Passed

ITEM: 5

Paul Berg, agent for Jeanette Higginson Trust, is proposing a small-scale three lot subdivision to be called Midway Ranches Subdivision. The proposal is 68.78 acres in size. The property is located at 1200 South Center Street and is in the RA-1-43 zone.

BACKGROUND:

This request is for preliminary/final approval of a small-scale subdivision on 68.78-acres and will contain three lots. The three lots proposed in the subdivision will obtain frontage along Center Street. The property is located in an RA-1-43 zoning district and the lots do comply with the minimum requirements of frontage, width and acreage for a lot in this zone. The property has one dwelling on the property that will remain for the time being. There is also a large accessory structure that was approved as an agricultural greenhouse. The proposed plan has a setback of 57' from the lot line to the structure which does not comply with the requirement of a setback of 100' for that particular use. Therefore, unless the lot line is adjusted to a 100' setback from the building, the structure cannot be used as an agriculture greenhouse, though it does have the possibility of being used as a personal greenhouse.

Currently the property is being use for agriculture and, because of the size of the lots, it can continue to be used for agricultural purposes. There is a FEMA floodplain that covers part of the property where Snake Creek crosses from the north side of the property to the east side. All future structures will need to comply with Section 16.14.8 that requires a 50' setback from the floodplain and all floors in structures must be at least elevated 18" above the base flood elevation shown on the FEMA flood insurance rate maps.

There is an 8' paved public trail planned along Center Street that will be built by the developer. There is also a trail planned on Snake Creek that will be built in the future along the Snake Creek. The developer will grant the public trail easement and possibly contribute the cost of building the trail to the trails fund for future trail development.

The Church of Jesus Crist of Latter Days Saints (LDS) has a church in the north east section of the property. It is proposed that a new parking area is constructed south of the church that will have two access points from a road that will be built by the LDS. The current access to the church will be removed creating a much safer access to the church. Also the new road will become the access for lots 1 and 2 in the proposed subdivision. An easement will be recorded across lot 1 to lot 2 for access. Lot 3 and lot 2 will also have a direct shared driveway access from Center Street that may include a future road. The existing driveway access to the property will be removed.

LAND USE SUMMARY:

- 68.78-acre parcel
- RA-1-43 zoning
- Proposal contains three lots
- Frontage along Center Street
- 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 lot1 will be from the proposed public road. Access for lot 2 will also be from the proposed public road via an access easement across lot 2. Lot three will have driveway access directly from Center Street. The driveway access also could become a future planned road that may access potential future development on lots 2 and 3, if approved as a plat amendment and subdivision approval by the City Council at a future date.

Culinary Water Connection – The lots will connect to the City's water line located under Center Street.

Secondary Water Connection – The property currently has connections to the secondary irrigation system.

Sewer Connection – The lot will connect to Midway Sanitations District's line located under Center Street.

Center Street Trail – The developer will dedicate a 20' public trail easement along Center Street. The developer will also build an 8' wide paved trail in the easement. The installation of the trail will help with the pedestrian safety along Center Street.

Snake Creek Trail – The developer will dedicate a 20' public trail easement along Snake Creek that would accommodate a 6' paved trail. Since the trail will not connect to an access point on the north at this time staff is recommending that the developer contribute the cost of building the trail to the trail fund. At a future date the City may build the trail along Snake Creek.

FEMA Floodplain – There is a FEMA floodplain that covers part of the property where Snake Creek crosses from the north side of the property to the east side. All future structures will need to comply with Section 16.14.8 that requires a 50' setback from the floodplain and all floors in structures must be at least elevated 18" above the base flood elevation shown on the FEMA flood insurance rate maps.

Church Access – Access to the Church has become a safety issue. Many vehicles are parked along Center Street making visibility limited when leaving the church parking lot. With the access changed to the church parking lot from the proposed road this safety issue should be greatly reduced partially because the new access will be farther from the church and farther from where people will most likely park. Also the increased parking stalls will hopefully reduce the number of vehicles parked along Center Street which creates the visibility issues.

WATER BOARD RECOMMENDATION:

The Water Board has not yet reviewed the project.

POSSIBLE FINDINGS:

- The proposed lot meets the minimum requirements for the RA-1-43 zoning district
- The proposal does meet the intent of the General Plan for the RA-1-43 zoning district
- The subdivision will dedicate trail easements to the City to help us complete the trail in the area which will make pedestrians safer by allowing them a place to walk off the road

ALTERNATIVE ACTIONS:

7. 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)
8. 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
9. 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:

1. The developer will dedicate a 20' public trail easement along Snake Creek that would accommodate a 6' paved trail. Since the trail will not connect to an access point on the north at this time staff is recommending that the developer contribute the cost of building the trail to the trail fund. At a future date the City may build the trail along Snake Creek.

Commissioner Ream: Is it possible in the future for any of those lots to be subdivided?

Planner Henke: Technically yes. Anybody can ask for a plat amendment, but a plat amendment is different from a subdivision approval like this one. This is an administrative approval, meaning if they meet the letter of the law of the code requirement it has to be approved. A plat amendment is a legislative action meaning the City Council with recommendations from this board they can deny a plat amendment so even if lot number one for instance wants to split it in half and create two lots, that could be denied by City Council in the future because it is a legislative item. There are some things that could be done if the developer would like. We could put a note on this plat saying that these lots maybe subdivided in the future, but nothing is guaranteed at least with the way our State code is currently written, but they could always ask. Another thing as far as the agricultural greenhouse goes one of the requirements is a 100' setback from any lot lines and with this new proposal the lot line ends up being roughly 60' so in others words that accessory building would not be allowed as an agricultural greenhouse or a commercial greenhouse. It could be used as a personal greenhouse or just an accessory structure, but with the approval of this plat it wouldn't be allowed to be an agricultural greenhouse.

Paul Berg: The trails plan was put together at least 10 years ago. The past trail planner went along side of roads along water courses and in the case even a ditch. The three (3) lot owners do not want a public trail running through their private property. Maybe some of these water courses through the City doesn't really make sense we are hoping that the City takes another look at that this year while working on the General Plan.

City Engineer, Wes Johnson: I don't disagree with Paul but it is on our Master Plan. The only way that we can avoid that trail being required is to change the Master Plan.

Commissioner Rather: I've got a problem with a trail across private property. I don't want a trail through my back yard.

Chairman Oksner asked if there were further questions from commissioners
There was none

Motion: Commissioner Waldrip: We recommend approval of the small scale three (3) lot subdivision to be called Midway Ranches Subdivision as proposed by Mr. Berg for the Higginson Trust which is located at approximately 1200 S Center in the RA-1-43 zone. We accept the report and findings of staff and there is a single condition for this subdivision recommendation that the owner comply with the existing requirements of the Master Plan for

trails and other elements that might be involved with this subdivision at the time the plat is recorded.

Seconded: Commissioner Ream

Chairman Oksner asked if there were further questions from commissioners

Commissioner Nichols: Should the motion include the option of paying the funds into the trail fund?

Commissioner Waldrip: I'm thinking no.

Planner Henke: I thinking legally Stu is having some reservations on that so I think the idea is to change the Master Plan.

Commissioner Nichols: So when does that option exist to money into the trails fund rather than to put the trail through?

Planner Henke: It's listed in our code in the impact fee section and does give the option of giving us fee and lieu instead of actually building it.

Commissioner Waldrip: It's there already. If we start talking about bartering the easement itself for money I think we get into trouble.

Commissioner Nichols: That's fine, I just don't see how that's different than stating an option that exists under the code anyway.

Commissioner Kohler: Well if the code changes and takes the easements out then there is no requirement for paying money in lieu of.

Commissioner Waldrip: I agree with them. They've already gone an extra mile in what they've done to the respect to the dedication of the property for the access to the church and the trail that they are building along Center Street.

Planner Henke: The section of code is in the trails and impact fee section, it's section 4.06.030 and its part F.

Commissioner Waldrip: That only applies if there is an easement and we are going to say you don't have to build it right now, but you can pay the impact fees into the system so another trail somewhere else can be built. What we are looking at here is trying to accommodate a possibility that the easement won't be necessary at all, that wouldn't involve the payment of money.

Commissioner Nichols: I'm just trying to provide for both options in case the Master Plan doesn't change.

Commissioner Waldrip: That option is already in the code.

Chairman Oksner asked if there were further questions from commissioners

There was none

Ayes: Commissioners Waldrip, Nichols, Kohler, Ream and Rather

Nays: None

Motion: Passed

ITEM: 6

Beverly Ryan is requesting annexation of 8.76 acres of property located on the east side of Johnson Mill Road. The proposed zoning for the property is R-1-15.

BACKGROUND:

Beverly Ryan, William Cary Hobbs, Chester William Belfield Trust, Donna Lee Brown Trust, Marcia Hilton Family Trust, and Sharon Jordan Jensen have petitioned the City to annex 8.76 acres that will be zoned R-1-15, if approved by the City Council. Currently the property is located in the County and is zoned RA-1. The area does fall within Midway's annexation declaration area so the property is allowed to be annexed but the City is under no obligation to annex the property. The Municipal Code does require that numerous issues are analyzed and evaluated before the City considers approving an annexation. Those items will be discussed in the analysis section of this report. Currently the City boundary runs along the three sides of the proposed annexation.

The annexation contains eight separate parcels, six of which are owned by the petitioners. The petitioners own 85.61% (51% required) of the land included and 86.47% (33% required) of the taxable value.

The parcels are as follows:

Property Owner	Tax ID#	Signed	Petition Acres	Market Value
David & Cydney Maisey	OWC-0439-0	No	1.00	\$ 273,407
Questar Gas Company	OWC-0449-0	No	0.18	\$ -
Marcia Hilton Family Trust	OWC-0448-1	Yes	0.94	\$ 359,605
Chester William Belfield Trust	OWC-0448-3	Yes	1.47	\$ 346,601
Donna Lee Brown Trust	OWC-0448-6	Yes	1.00	\$ 100,000
Sharon Jordan Jensen	OWC-1200-0	Yes	1.25	\$ 442,711
Beverly Ryan	OWC-0448-2	Yes	1.23	\$ 204,400
William Cary Hobbs	OWC-0448-0	Yes	1.13	\$ 293,933

The petition does comply with State Code that requires the owners of a majority of the land sign the petition and that the signers also own at least 1/3 of the taxable value of land in the annexation area. State Code also requires a survey of the area which has been completed. There are other requirements listed in State Code and all seem to be met.

The City would like to annex the properties along Johnson Mill Road and Ryans Lane because all the dwellings except for one are connected to the City's culinary water lines. The City has recently upgraded the water lines along Johnson Mill Road and Ryans Lane. Also, Midway Irrigation Company has installed new water lines in this area so that residents will now have access to secondary water which they have not had in the past. Until recently the land owners use culinary water for their outside irrigation and by installing the secondary system the property owners no longer have to use the culinary water for outside use. Because of the aforementioned repairs and new infrastructure improvements Johnson Mill Road will also be repaved. Because of this investment in the area and because the land owners are already connected to City water it is the desire of the City Council to annex the area into the City limits.

Annexations fall under the category of a legislative action. Therefore, the City Council has broad discretion regarding the petition. It can be approved or denied based on the discretion of the

Council members. There is no obligation by the City to annex the property. If the Council feels that the area will contribute to the community and will help promote the goals and policies of the General Plan then the annexation should be considered. The City Council may consider any issue, included in the staff report or not, as a discussion item. Also the City may require items from the petitioners that normally would not be allowed if a developer's property were already located and zoned in the City. In the past petitioners of annexations have donated to the parks fund as part of their annexations. Since the action is legislative it is not bound to the same rules that an administrative process is bound to.

This item has been noticed in the local newspaper for two weeks and on the State's website for the Planning Commission meeting. Public notices have also been posted in three public locations in Midway advertising the meeting and agenda.

ANALYSIS:

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the Planning Commission must make in considering this request. Section 9.05.020 requires specifically the Staff address the following issues:

- A. The ability to meet the general annexation requirements set forth in this Title; *Planning staff believes that the proposal does comply with the general requirements of this Title.*
- B. An accurate map of the proposed annexation area showing the boundaries and property ownership within the area, the topography of the area and major natural features, e.g. drainage, channels, streams, wooded areas, areas of high water table, very steep slopes, sensitive ridgeline areas, wildfire/wild land interface areas, and other environmentally sensitive lands: *The proposed annexation plat map has been submitted and is attached to this report. Also the properties do not have any identified sensitive lands.*
- C. Identification of current and potential population of the area and the current residential densities: *Currently there are six homes in the annexation area. There is no anticipated new development potential to the area since there are currently homes on all the properties. It is unknown if any of the parcels could be further subdivided but it is unlikely that any of them will in the future based on the limited frontage in the area.*
- D. Land uses presently existing and those proposed: *Currently the land in the area is being used for residential purposes.*
- E. Character and development of adjacent properties and neighborhoods: *The properties surrounding the proposed annexation are mostly residential with some agriculture.*
- F. Present zoning and proposed zoning: *The current County zoning is RA-1 which is a one-acre zone. The planned zoning that midway has established is R-1-15 which is a third acre zone.*
- G. A statement as to how the proposed area, and/or its potential land use will contribute to the achievement of the goals and policies of the Midway City General Plan and the

Midway City Vision: *The properties are already developed and the current character of the neighborhood matches other neighborhoods in the area already in the City limits.*

- H. Assessed valuation of properties within the annexation area: *Please see the chart presented earlier in this report.*
- I. Potential demands for various municipal services and the need for land use regulation in the area, e.g. consideration of the distance from the existing utility lines, special requirements for sensitive land review and fire protection in wildfire or wild land areas, location within hazardous soils area, and feasibility of snow removal from public streets: *The properties are already developed and the City is already maintaining also most all of the roads within the annexation so there should be almost no added cost associated with the annexation.*
- J. The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service areas: *The annexation will increase the City's boundaries. Currently the proposed annexation area is a peninsula that juts into the City, by annexing the area the City boundary will feel more "normal". It is staff's experience that many people and residents already assume the area is part of the City.*
- K. A proposed timetable for extending municipal services to the area and recommendation on how the cost thereof will be paid: *City services are up to and in the area of the annexation.*
- L. Comparison of potential revenue from the annexed properties with the cost of providing services thereto: *The City is already providing services to the properties in the annexation. The properties are already developed and receiving services from the City.*
- M. An estimate of the tax consequences and other potential economic impacts to residents of the area to be annexed: *It is estimated that the taxes for the existing homes in the annexation area will increase once they are annexed into the City.*
- N. Recommendations or comments of other local government jurisdictions regarding the annexation proposal and the potential impact of the annexation on the general county economic needs, goals, or objectives: *No government jurisdiction or agency has objected to the proposed annexation. The City held a review meeting and invited all potentially impacted jurisdictions, agencies and utilities and no major concerns were identified in that meeting. The County does want the City to now maintain the area of Ryans Lane that fronts the annexation area.*
- O. Location and description of any historic or cultural resources: *No issues have been identified.*

Additional Items of consideration

- The City gains control over zoning once an area is annexed. This helps the city assure that uses on the property will be in harmony with the General Plan. If the City does not annex a parcel, then the owners may develop in the County using the County's land use code.
- The resort tax will be impacted by adding more homes to Midway. It has been determined that by 2020 the City will lose the ability to collect the resort tax the City now enjoys. The ability to collect this tax is based on the ratio of permanent residences compared to transient rental rooms. Each year the City has more growth of residences than transient rooms. Annexing an area that will contain six new residences will help offset the current ratio even more. It may be true that nothing can be done to stop the City from losing this tax, but adding more residences into the City limits will not help the issue at hand. This item should be considered for this annexation and any future annexation.

POSSIBLE FINDINGS:

- The City will gain control over land use and zoning if the area is annexed.
- The proposal is a legislative action.
- The proposal will increase density and traffic to the area.

ALTERNATIVE ACTIONS:

10. Recommendation of Annexation Approval. This action can be taken if the Planning Commission feels that the annexation is in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
11. Recommendation of 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

12. Recommendation of Annexation Denial. This action can be taken if the Planning Commission feels that the request is not in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

Commissioner Nichols: What is the cost to the City to provide services to annexed properties?

Planner Henke: In this situation it is very minimal. We have picked up a short stretch of road for snow plowing and also a little staff time.

Wes Johnson: There was an existing two (2) inch water line there. The cost was the 60k to install an eight (8) inch water line and fire hydrant that's where the City felt that if we are going to the expense of upgrading this water line then you need to be a part of the City and participating in the City taxes rather than the county.

Planner Henke: They have been watering with the culinary water and so we were losing money there because we had only been billing them for ten thousand gallons per month with no overage fee because they were on the exchange program and now they are hooked up to the secondary water. Our goal is to get everyone off of the exchange program.

Chairman Oksner: I'd like to recommend that this new annexed property becomes RA-1-43 zone.

Chairman Oksner asked if there were further questions from commissioners

There was none

Motion: Commissioner Nichols: I move that we recommend approval of this annexation to the City Council with the findings provided by staff. I don't know if this is a conditional recommendation that this comes in as a RA-1-43 but to include that as part of our proposal to the City Council.

Seconded: Commissioner Rather

Ayes: Commissioners Waldrip, Nichols, Kohler, Ream and Rather

Nays: None

Motion: Passed

ITEM: 7

The City is proposing a Code Text amendment of the following sections: 16.16.24, 16.16.25, 16.17.14, 16.17.15, 16.15.8 (A), and 16.15.8 (B). The proposal will allow building permits to be submitted to the City only after the plat is recorded instead of allowing permits to be submitted before the plat is recorded.

BACKGROUND:

This request for Code Text Amendments of Sections 16.15.8 (A), 16.15.8 (B), 16.16.25, 16.16.24, 16.17.14, and 16.17.15: Completion of Infrastructure Construction and Issuance of Permits. The aforementioned sections all regulate that same issue which is the timing of when building permits may be submitted to the City. Staff has required that the plat for a subdivision is

recorded before a building permit can be submitted. After review of the Municipal Code it was discovered that the language actually states that permits will not be issued but staff would like the word “issued’ in each of the above sections to be changed to “submitted”.

There are a few reasons why staff would like to make this change. Some of these are the following; it is possible a subdivision plat or amended plat will not be recorded. Staff would rather not review building permits for projects that may or may not happen when there are other building permits to review for subdivisions and developments that are recorded.

Requirements for Single-family Dwelling Units. The Code currently states the following:

Section 16.15.8 (A)

A. Plat Recordation. No plat shall be recorded until all required water rights and/or water shares have been tendered to the City and assurances are provided to the City to ensure completion of all required improvements, including landscaping. No building permit shall be ~~issued~~ submitted prior to the recording of the plat by the County Recorder.

Section 16.15.8 (B)

B. Completion of Infrastructure Construction and Issuance of Permits. No building permits shall be issued until the infrastructure construction of the development is substantially complete; provided, however, that the developer in whose name the bond for the project is ~~issued~~ submitted may obtain a building permit once the fire flow mechanisms are installed, operating and approved by the City engineer. Once installed, operating and approved, fire flows must remain operating continuously thereafter. No certificate of occupancy will be issued until infrastructure construction on the phase, or phases, under development reaches Final Approval.

Section 16.16.24

No plat shall be recorded until all required water rights and/or water shares have been tendered to the City and assurances are provided to the City to ensure completion of all required improvements, including landscaping. No building permit shall be ~~issued~~ submitted prior to the recording of the plat by the County Recorder.

Section 16.16.25

No building permits shall be issued until the infrastructure construction of the development is substantially complete; provided, however, that the developer in whose name the bond for the project is ~~issued~~ submitted may obtain a building permit once the fire flow mechanisms are installed, operating and approved by the City Engineer. Once installed, operating and approved, fire flows must remain operating continuously thereafter. No certificate of occupancy will be issued until infrastructure construction on the development reaches final completion as determined by the City Engineer.

Section 16.17.14 No Building Permits ~~Issued~~ Submitted Prior to Plat Recording

*Section 16.17.14 No Building Permits ~~Issued~~ Submitted Prior to Plat Recording
No building permit shall be ~~issued~~ **submitted** prior to the recording of the plat by the Wasatch County Recorder.*

Section 16.17.15

*A. No building permits shall be ~~issued~~ **submitted** until the construction of the development is substantially complete; provided, however, that the developer in whose name the bond for the project is issued may obtain a building permit once the fire flow mechanisms are installed, operating and approved by the City Engineer. Once installed, operating and approved, fire flows must remain operating continuously thereafter.*

This item has been noticed in the local newspaper for two weeks and in the State's website for the Planning Commission meeting.

POSSIBLE FINDINGS:

- The proposed amendment will assure that building permits are not reviewed for projects that have not been completely approved and recorded allowing permits on approved and recorded projects to be reviewed

ALTERNATIVE ACTIONS:

13. Recommendation of Approval. This action can be taken if the Planning Commission feels that the proposed change is an acceptable amendment to the Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
14. 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

15. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request is not an acceptable amendment to the Municipal Code.
- a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

Chairman Oksner asked if there were any questions from commissioners

There was none

Motion: Commissioner Waldrip: I move adoption or recommendation of this proposed code text amendments as said forth in the printed agenda.

Seconded: Commissioner Nichols

Ayes: Commissioners Waldrip, Nichols, Kohler, Ream and Rather

Nays: None

Motion: Passed

ITEM: 8

Staff will give a presentation regarding the Midway General Plan. The City adopted the General Plan in 2011 and it is time for a five-year review of the plan. The review process will last approximately one year.

Discussion on the survey that has been on the Midway City website for the past 5 weeks.

Forming meeting dates and time

***No Motion**

ITEM: 9

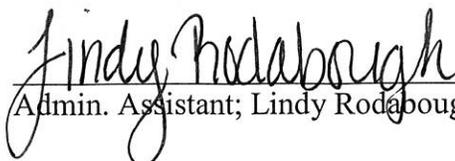
Adjournment

Motion: Commissioner Waldrip: Move to adjourn

Adjournment time: 9:32 pm



Chairman; Mickey Oksner



Admin. Assistant; Lindy Rodabough