

## **Midway City Planning Commission Regular Meeting December 20, 2017**

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

### **Attendance:**

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

### **Staff:**

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

### **Excused**

Natalie Streeter  
Stu Waldrip – Vice-Chairman

### **6:45 P.M. Work/Briefing Meeting**

- City Council Liaison Report, no action will be taken and the public is welcome to attend.

### **7:00 P.M. Regular Meeting**

#### **Call to Order**

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
  - ❖ Invocation was given by Jeff Nicholas
  - ❖ Chairman Kohler led the Pledge of Allegiance

#### **Item: 1**

**Review and possibly approve the Planning Commission Meeting Minutes of November 15, 2017.**

**Motion:** Commissioner O'Toole: I move that we accept the minutes as is with no changes.

**Seconded:** Commissioner Payne

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

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

**Nays:** None

**Motion:** Passed

**Item 2:**

**Planning Commission 2018 calendar.**

- Staff and commissioners discussed whether to skip the November 2018 meeting due to its proximity to the Thanksgiving holiday or to have it on another day of the week in the month and still have the November meeting.

**Motion:** Commissioner Nicholas: I move that we move the November 2018 Planning Commission meeting from November 21, 2018 to November 13, 2018. And we also approve the overall calendar as provided by staff with that one change. Also, the application deadline for the November Planning Commission meeting to October 11, 2018

**Seconded:** Commissioner O'Toole

**Chairman Kohler:** Any questions or discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

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

**Nays:** None

**Motion:** Passed

**Item 3:**

**Russ Watts is proposing Code Text Amendments of Midway City's Land Use Code that would amend the code to allow residential condominiums in the C-2 zone. The proposed changes are in Sections 16.5.2 and 16.13.36.**

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.

### **Staff and Commissioners comments/discussion**

- Will need to have an HOA or a POA
- Minimum number of units to have a successful HOA
- City does not care if there is a unit whether it is an apartment or a condo
- Ownership units are better maintained than rentals, and the areas around them also
- This will probably encourage more small unit properties and mixed-use properties

### **Applicant comments/discussion**

- Multiple ways to do an HOA or a POA
  - a) Could have an overall HOA
  - b) Could have a specific HOA for residential and then a specific HOA for the condominiums
  - c) Could set it up as one HOA, but maybe the residential fee would be different than the commercial tenant fee. Based on this example that the commercial would be using 60% of the parking lot and the residential would only be using 40% of the parking lot divide that among the units and same with the landscaping

### **Chairman Kohler opened the meeting for a public hearing**

Paul Berg: I think this would add some clarity to the code. Mixed use is being encouraged, let's identify what is in and what is out. If you only want apartments, then just say apartments if you want to allow residential condominiums let's put it in. I think it makes sense, because the quality of the project when you have somebody who owns it and is invested in it versus a renter, that's a big deal. A lot of places around town you probably do not realize that they are condos, like some places up at the Zermatt. Also, most office spaces that I am doing right now is condominiumized a lot of business wants to have ownership.

Athina Kourmarela: My question is for clarification. If you are selling them as condominiums then the owner can also rent them out as apartments, or short-term apartments, right?

Commissioner Nicholas: Unless it is restricted in CCRs.

Athina Kourmarela: Would that be like what has already been approved like our Bed &

Breakfast kind of stuff? It opens a lot of doors I think.

Chairman Kohler: I would expect that unless it is in the transient unit rentals the rentals would have to be 30 days or more is that correct?

Planner Henke: Both the C-2 and the C-3 zones are within the transient rental district. It could a transient rental if the proper approvals were obtained from the City. It would be a conditional use permit (CUP) for those to be nightly rentals.

### **Chairman Kohler closed the meeting to the public hearing**

Chairman Kohler: Commission, any further discussion?

Commissioner Bouwhuis: Is there a minimum size that we think is right? It doesn't seem like we really know that. It would be nice to get some more information from other municipalities to see if there is a rule of thumb that works for that.

Commissioner Jenkins: We're talking about up to 20 units on an acre parcel. I don't know that it matters.

Paul Berg: I don't know what the magic number is either. With mixed use you don't have amenities. Commercial will pay the bulk of the HOA.

Commissioner Payne: If we expand this to C-3 zone are we overlooking something?

Planner Henke: The C-3 zone is more restrictive and limited in uses. It is more office, retail and restaurant space more than anything. I don't think it would make a difference at all. I think it would cause more problems if we change one and not the other.

**Motion:** Commissioner O'Toole: I move that we make a motion to the City Council for preliminary approval of the code text amendment of Midway City's land use code that would amend to code to allow residential condominiums in the C-2 and the C-3 zone. The proposed changes are in sections 16.5.2 and 16.13.36. We accept the staff findings and the only condition we want to put on there is to include C-3 zone.

**Seconded:** Commissioner Ream

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

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

**Nays:** None

**Motion:** Passed

### **Item 4:**

**Clifford and Victoria Chaney are requesting a Conditional Use Permit for a carpentry and woodworking shop. The property is located at 30 East 100 South and is in the C-2 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.

**Staff and Commissioners comments/discussion**

- Insulation chosen is not adequate for noise mitigation, would like to see more of an STC rated assembly
- We do have to plan on this potentially being used as a commercial building in the future, so we do want to address noise mitigation and consider the insulation being used
- Parking does meet the intent of the code

**Applicant comments/discussion; representative:** Phillip Douglas with Morton Buildings

- With have 9" thick bat insulation in all of the walls
- R50 insulation blown in the attic to help mitigate noise issues
- Mr. Chaney will be installing the vacuum system & it will be indoors
- The exterior will be steel
- Steel will be lined on the interior of the walls with acoustical steel and ceiling to help with sound deadening as well
- Personal equipment will be stored in the storage area of this structure
- Minimal wood storage

**Motion:** Commissioner Bouwhuis: I move that we approve this for a Conditional Use for the Chaney carpentry and wood working shop on 30 East 100 South. Provided that the plan is modified to meet all the setback requirements as stated in the findings and that a STC level that is higher than what is proposed is established and approved by staff to make sure the decibel ratings will be able to be met.

**Seconded:** Commissioner Jenkins

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

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

**Nays:** None  
**Motion:** Passed

**Item 5:**

**Midway City is proposing a Code Text Amendment of Midway City's Land Use Code of Title 16 regarding Residential Facilities for Elderly Persons, Rest Homes, Nursing, and Convalescent Facilities. The City would like to review the current code and potentially amend the regulations for these facilities.**

Planner Henke: We had our public hearing on this item last month. We currently have a pending ordinance amendment for drug/residential treatment facilities. After talking with our attorney what we'd like to do is write the residential treatment facility code and this code at the same time. So, staff is asking that this body continue this item and we'll bring it back to you in the next few months.

**Motion:** Commissioner O'Toole: I make a motion that we continue this item until more information is available.

**Seconded:** Commissioner Ream

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

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

**Nays:** None

**Motion:** Continue

**Item 6:**

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

Chairman Kohler: I'd like to add that we've discussed this at length in work meetings.

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.

**Staff and Commissioners comments/discussion**

- Open space credit can only be met if the open space is along placed along the collector road first
- Reword to say the open space shall extend along the entire length of the collector street. That would solve the fence issue, because then you're saying that you have at least a 50' open space along the entire corridor
- Any other open space can be placed within the development
- A 50' open space corridor is required along all collector roads

**Motion:** Commissioner Ream: Proposing that we recommend to City Council that there be a code text amendment of Midway City's land use code that would amend the requirements for setbacks and planned unit developments, large-scale and small-scale subdivision located in Sections 16.16.8, 16.16.9 and 16.17.7 of the Land Use Code. The code text amendment is what you have in F with the changes that Planner Henke will make and in G and we accept the findings of staff.

**Seconded:** Commissioner O'Toole

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

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

**Nays:** None

**Motion:** Passed

**Item 7:**

**Midway City is proposing a Code Text Amendment of Midway City's Land Use Code of Section 16.16.8 that would amend densities in Planned Unit Developments. This item is based on amendments made to the General Plan that were adopted earlier this year.**

Chairman Kohler: I'd like to add that we've discussed this at length in work meetings.

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.

**Staff and Commissioners comments/discussion**

- The same things were discussed tonight that had been discussed in the three previous work meetings

**Motion:** Commissioner Nicholas: I move that we recommend a code text amendment to Midway City's Land Use Code of Section 16.16.8 that would amend densities in Planned Unit Developments. We accept the staff findings, but that the PUD density be reduced only to 1.25 units per acre instead of down to one (1).

**Seconded:** Commissioner Bouwhuis

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

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

**Nays:** None

**Motion:** Passed

**Item 8:**

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

**Chairman Kohler:** I'd like to add that we've discussed this at length in work meetings.

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.

**Staff and Commissioners comments/discussion**

- The same things were discussed tonight that had been discussed in the three previous work meetings

**Motion:** Commissioner Bouwhuis: I motion that we make the changes proposed in Section 16.16.11 and 16.16.12 as proposed except for changing the sentence in the last part of the recommended revisions to state that standard subdivisions that does not require the 100' setback can only reduce the size and frontage proportionately for the open space requirement provided above and beyond the 15%.

**Seconded:** Commissioner Payne

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

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

**Nays:** None

**Motion:** Passed

**Item 9:**

**Midway City is proposing a Code Text Amendment of Midway City's Land Use Code of Section 16.13.36 (D) that would amend Commercial PUDs and Condominium Projects.**

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.

**Chairman Kohler asked the commissioners if they had any questions or if there were any discussion; there was none**

**Chairman Kohler opened the meeting to public comment**

Athina Kourmarela: I agree that it needs to be a cut and dry thing and not vague. I can see the more concrete everything is the easier it is. I would also agree that those bell towers do not need to be any higher either.

**Chairman Kohler closed the meeting to public comment**

**Motion:** Commissioner Ream: I proposed that we recommend to City Council that the Section 16.13.36 (D) be deleted from the code text. We accept the recommendation of staff.

**Seconded:** Commissioner O'Toole

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

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

**Nays:** None

**Motion:** Passed

**Item 10:**

Adjournment

Commissioner Nicholas: I move that we adjourn

Time: 10:11 pm

  
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Chairman – Jim Kohler

  
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Admin. Assistant – Lindy Rodabough