

## **Midway City Planning Commission Regular Meeting June 15, 2016**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., June 15, 2016, at the Midway City Community Center  
160 West Main Street, Midway, Utah

### **Attendance:**

Mickey Oksner – Chairman  
Steve Nichols– Co-Chairman  
John Rather  
Natalie Streeter  
Nancy O’Toole  
Stu Waldrip

### **Staff:**

Michael Henke – City Planner  
Lindy Rodabough – Amin Assistant  
Wes Johnson - City Engineer

### **Excused**

Chip Maxfield  
Jim Kohler  
Bill Ream

### **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 Jeremy Pope
  - ❖ Chairman Oksner led the Pledge of Allegiance.

#### **Regular Business**

##### **ITEM: 1**

Review and possibly approve the Planning Commission Minutes of May 18, 2016

**Motion:** Commissioner O’Toole: If there are not corrections then I move that we accept the minutes.

**Seconded:** Commissioner Waldrip

**Ayes:** Commissioners Streeter, Rather, Waldrip, O’Toole

**Nays:** None

**Motion:** Passed

**ITEM: 2**

**James Allred, agent for Ted Caldwell is requesting Preliminary/Final approval of the Caldwell Farm Subdivision. The proposal is a small scale subdivision that is 5.53 acres in size and will contain 3 lots. The property is located at 580 West Wards Lane and is in the RA-1-43 zone.**

**BACKGROUND:**

This request is for preliminary/final approval of a small-scale subdivision on 5.53 acres and will contain three lots. The three lots proposed in the subdivision will obtain frontage along Wards Lane and Cascade Meadows Loop. The property is located in an RA-1-43 zoning district which requires at least an acre for each lot. The lots all comply with this requirement and are 1, 1.39, and 3.14 acres in size. The property has one dwelling on the property that will remain on lot 1. The rest of the property has been used for agriculture.

**LAND USE SUMMARY:**

- 5.53-acre parcel
- RA-1-43 zoning
- Proposal contains three lots
- Frontage along Wards Lane and Cascade Meadows Loop
- 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 lot 1 will be from Cascade Meadows Loop which is a private road. Access for lots 2 and 3 will be from Wards Lane which is a public road.

*Water Connection* – The lots will connect to the City's water lines located under Wards Lane and Cascade Meadows Loop.

*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 all three lots.

*Homestead Trail* – There are no trails on the City's Master Trail Plan that cross the property.

*Animal Rights* – All three lots will have animal rights based on the standards of the RA-1-43 zone.

**WATER BOARD RECCOMDATION:**

The Water Board has not yet reviewed this proposal.

**POSSIBLE FINDING:**

- The proposal does meet the intent of the General Plan for the RA-1-43 zoning district

**ALTERNATIVE ACTIONS:**

- 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)
- 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
- 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's Discussion

- Right to farm note
- Connecting a trail to this property with the existing trail that is adjacent to this property
  - a) should a trail be required
  - b) does the property only need to have an easement for a trail
  - c) currently the property owner is giving a 20-foot easement for a trail

**Motion:** Commissioner Waldrip: I move approval of the proposed small-scale subdivision consisting of 5.53 acres proposed by Mr. Caldwell for the improvement of his property containing three (3) lots located at 580 West Wards Lane in the RA-1-43 zone. We accept the report of the staff, find that the proposed subdivision does meet the intent of the General Plan for the RA-1-43 zone; and that the approval be conditioned upon the extension of the existing trail that is on the East side of the property and is shown on the plat as an easement at present; that the trail be continued toward the west across the southerly portion of the property. Also that a recommendation be given to the property owner to place a note on the plat memorializing a right to farm on the property.

**Seconded:** Commissioner O'Toole

**Ayes:** Commissioners Streeter, Rather, Waldrip, Nichols, and O'Toole

**Nays:** None

**Motion:** Passed

### **ITEM: 3**

**Thomas Calton, agent for Myers Properties, LLC, is requesting a Conditional Use Permit for a mixed-use development that contains commercial space and residential units. The property is located at 695 East Main Street and is in the C-2 zone.**

### **BACKGROUND:**

This request for a Conditional Use Permit (CUP) by Lane Myers is for a mixed use project that will include a 24,000 square foot building of which 7,500 sf is retail space, 3,680 is warehouse space, and the entire upper floor at 12,000 is residential. The parcel on which the project is proposed is zoned C-2 and is 0.95 acres in size.

There are 46 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, 20 stalls would be assigned for the 10 dwelling units and the public accessible space could be up to 6,250 sq. ft. The area of the retail space is 7,500 and there will be some area of the retail that will not be accessible to the public. It appears that the proposal will comply with the parking requirement.

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 or possibly place the cost of the improvements in an escrow account so that the entire north side of Main Street can be completed at once. This issue will need to be discussed further before the options are presented to the developer.

The developer is also petitioning for approval of the 10 dwelling units as transient rental units. It is possible the units will be rented on a long term basis but they would like the option to rent them on a short term basis also. If they were to rent them short term then each unit would need to be licensed and a property manager, among all other requirements of the code, would need to be complied with. If the units are rented on a transient basis, then the units would be more beneficial to the City on a tax revenue generating basis than permanently occupied units would be.

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 will be 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:

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 retail/office and mixed use projects as listed on the Municipal Code. The design of the project does follow the architectural guidelines listed for commercial development in the C-2 zone; the VAC has reviewed the project 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.*
2. The proposed use is consistent with the General Plan; *the proposed uses do comply with the vision of Main Street described in the General Plan. The General Plan promotes an active and vibrant Main Street and this proposal does promote that vision with the commercial area and possibly a restaurant with an outside eating area.*
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 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.*
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 Main Street access 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 and landscaping.

#### **WATER BOARD RECOMMENDATION:**

The Water Board recommended that 36 acre feet of water are turned over to the City if the units have kitchens in them. If the units do not have kitchens and are rented as transient rentals, then six acre feet would be required.

#### **ALTERNATIVE ACTIONS:**

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

**Commissioner’s Discussion**

- What is the potential of giving the developer a little bit of a break on the front setback?
- The commercial building front setback could be moved forward at the discretion of the City Council.
- Water and snow placement
- That issue will be addressed and will be designed into this property
- Applicant; Lane Myers: I don’t have any objections pulling the building forward. We want to build something nice that contributes to the City.
- Does this project meet ADA requirements for the stairs leading to the upstairs apartments?
- Russ Watts: Yes, we do meet the ADA requirements. The current code says that 50% of the units have to be accessible and the elevator meets that requirement.

**Motion:** Commissioner Streeter: I move that we recommend the Conditional Use Permit for Mixed use development for commercial space and residential units located at 695 East Main Street in the C-2 zone for Myers Properties, LLC. We will accept staff report and their findings. The motion is made without conditions.

**Seconded:** Commissioner Nichols

**Chairman Oksner asked if there were any further discussion**

**Ayes:** Commissioners Streeter, Rather, Waldrip, Nichols and O’Toole

**Nays:** None

**Motion:** Passed

**ITEM: 4**

**Paul Berg, agent for Watts Enterprises, is requesting Final approval of the Dutch Canyon Subdivision. The proposal is a large scale subdivision that is 29.08 acres in size and will contain 25 lots. The property is located at 600 East Saddle Drive and is in the RA-1-43 zone.**

**BACKGROUND:**

This request is for final approval of a large-scale subdivision on 29.42 acres that will contain 25 lots. Currently the property is being used as agricultural land and is owned by the Remund Ranch Inc. The zoning allows for a density of one dwelling per acre after the deduction of the acreage used for the road right-of-ways. The code also requires a minimum of 15% open space. Lot areas and frontages are allowed to reduce proportionally in size by the percentage of open space that is included in the subdivision. In this proposal there is the required 15% open space so all of the lots have been reduced in size down to 0.85 of an acre. The open space contains private amenities that include a tennis and pickleball court, pond, children's play area, pool, pool house, and public trails. These amenities will be maintained by the Home Owners' Association (HOA) and will be private. The only amenity that will be open to the public are the public trails that are part of the City's Master Trail Plan.

Access to the subdivision has been carefully reviewed and planned. Connectivity is important to the City for traffic circulation so there three connecting roads to the proposed subdivision even though the development code only requires two. The developer has agreed to a third connection to Dutch Hollow Road that will be built to City standards that include 30' of asphalt, 5' park strips, and either a 5' sidewalk on each side of the road or a n 8' trail on one side. This third connection is important because it will reduce traffic through the residential neighborhood of Dutch Fields and it will be the designated construction access during the construction of the subdivision infrastructure. The design of the street layout in the subdivision has been planned to discourage through traffic but allow traffic to benefit the area's neighborhoods. Since the road plan in the subdivision and the surrounding subdivisions is for local roads and local traffic only there are several traffic calming devices that have been included in the plan to reduce through traffic. The road will narrow at both entrances to the subdivision and trees will be planted on both sides in the enlarged park strip to help slow down traffic. Also the pavement in these areas will have a rough texture so that drivers will feel a change as they drive through the narrower streets. Also the intersections in the subdivision will be all-way stops to discourage through traffic and to slow traffic in the neighborhood.

As mentioned earlier, the subdivision will have an 8' paved public trail that will cross the property from east to west. There is also a public trail connection to the Wasatch Mountain State Park to the north and a public trail connection to the Dutch Fields to the south. There will also be a trail connection along the road leading into Dutch Fields.

## LAND USE SUMMARY:

- 29.42-acre parcel with road easement
- RA-1-43 zoning
  
- Proposal contains 25 lots
  
- Open Space 4.41 acres
  
- Access from Dutch Canyon Road, Dutch Fields, and Saddle Drive
  
- Public roads and trails
  
- Private amenities
  
- 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 subdivision will be through Dutch Canyon Road, Dutch Fields, and through Saddle Drive. Saddle Drive is a private road with a public easement. The Dutch Canyon Road connector will be built on the access easement across the Jeremy Pope parcel to the east and this road will better help distribute traffic and act as the construction access during infrastructure improvements. The third access will be to Dutch Fields to the south.

*Water Connection* – The lots will connect to the City's water line located under Saddle Drive. A water line will be constructed from Valais that will allow better water pressure for the entire area because the system will create a loop around Burgi Hill.

*Sewer Connection* – The lots will connect to Midway Sanitations District's sewer line under Saddle Drive.

*Secondary Water Connection* – The lots will connect to Midway Irrigation Company's irrigation line. The plans for this connection have not been finalized.

*Open Space* – 15% open space is required for the subdivision so 4.41 acres is being provided. The HOA will own and maintain the open space which is centrally located in the subdivision. Also because of the open space's location, the entry from Dutch Trail Road is impactful because there is a direct view to that open space and the pond in the area.

*Road Cross Section* – The City Council for preliminary approval approved a modified cross section form the normal City standards. The approved cons section is in a 56' right-of-way and includes 5' sidewalks on both sides of the street, a 2' ribbon curb on the edge of asphalt on both sides of the street and two rock lined road side swells to capture run-off. developer is proposing a rural road cross section instead of the default urban cross section.

*Dutch Canyon Road Improvements* – The developer will not make any improvements to the Dutch Canyon Road. The road will be improved when the 11-acre parcel to the east develops as according to the Dutch Hollow Annexation Agreement.

*Sensitive Lands* – The developer has indicated on the plans there are no sensitive lands in the project area. The City has received the required geotechnical report and no issues have been identified. An executive summary of the findings of that report are included in the attachments in this report.

#### **WATER BOARD RECOMMENDATION:**

The Water Board made a recommendation that staff work with the developer to review the water requirement based on impervious surface. That analysis was completed and there is 1 acre of impervious surface. Based on the Midway City Code that each lot that is 0.5 to 1 acre in size to turn over 3 acre feet and the clubhouse and pool turn over 1.5 acre feet to the City the water requirement is 76.5 acre feet. The open space is not part of the calculation because all the lots have been reduced in size to create the open space which is covered by the 3 acre feet calculation required for each lot.

#### **CITY COUNCIL PRELIMINARY APPROVAL:**

The City Council did approve the proposal with a new street layout that the Planning Commission had not seen. The new design was created to discourage through traffic and to connect to the Dutch Fields subdivision. Also the street cross section was modified to allow a road side ditch instead of the curb and gutter normally required.

#### **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 developer will dedicate a trail easement to the City and build the public trails that will help us complete the trail plan in the area as envisioned in the General Plan
- The completion of the project will create a second access to Burgi Hill Ranches that will be traversable year round making traffic circulation much better in the case of an emergency for the entire area

#### **ALTERNATIVE ACTIONS:**

- 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)
- 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
- 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

#### **POSSIBLE CONDITIONS:**

- The Dutch Canyon access road will be the designated construction access during infrastructure construction.

#### **Commissioner's Discussion**

- The developer will add a third access point; it will be from the development out to Dutch Canyon Road. This road will be the dedicated construction access for this development.
- The developer of the piece of property that is east of Dutch Canyon Subdivision is responsible for a section of road improvements of Dutch Canyon Road. Therefore, this road will not be improved until that developer comes in to develop.
- Currently Dutch Canyon road is in a failed condition. However, I (Wes Johnson; City Engineer) think that the structural integrity and the sub-grade of the road is adequate, I think that the surface treatment of the road is inadequate.
- There will be three (3) stop signs placed in the Dutch Canyon Subdivision at the major intersections.
- The water line that runs from Burgi Hill Ranches to Valais and down to Dutch Fields dead ends. With this development we are requiring that they tie into this water line. By doing that, it will increase fire flow and will not cut water off from Burgi Hill Ranches or Valais if there is a leak somewhere in that line, it will increase the dependability of the water system to this area.

### **Chairman Oksner opened to public comment**

Ken Fakler: President of Dutch Field HOA: Our concern is the condition of Dutch Canyon Road. We think that the City should step up, find the money and pay for Dutch Canyon road to be fixed. If Dutch Canyon Road is in such bad shape that it is beating up the construction trucks then they will start going through Dutch Fields, so we think that there needs to be a barricade between the new development and Dutch Fields so that the construction traffic cannot get through.

Bradley Terry: I would like to see the road that will be going from Dutch Canyon Subdivision over to Dutch Canyon Road be temporary road used only for construction access. Having it be permanent I feel like people from Interlaken will come through our subdivision to access Dutch Canyon Road, using it as a shortcut.

James Ballstaedt: I'm concerned of the width of Dutch Canyon road.

### **Chairman Oksner closed public comment**

#### **Discussion for Commissioners**

Commissioner Streeter: Does the City have an obligation to maintain Dutch Canyon Road in pavement or could it be in gravel?

City Engineer; Wes Johnson: Back in 2007/2008 a developer came to the City and wanted to annex these 11 acres into Midway City. The City was concerned about annexing this piece of property due to the fact of having to construct Dutch Canyon Road down to River Road. The developer said that if you annex this property into the City we will pay for the reconstruction of Dutch Canyon Road all the way down to River Road. The City agreed to those terms and that is how the plat got recorded. It's an option by the City that if this road fails we could pulverize the road and make it a gravel road until the developer comes in to develop the 11 acres, whether it be one (1) home or 16 homes. The City has looked at that and said knowing that this document is there knowing that it is a recorded legal document why would the City invest the money to rebuild that road when that annexation agreement is in place.

Commissioner Streeter: I don't think that the City has any obligation to upgrade that road. I think since that annexation agreement has existed for some time further reduces any obligation we'd have to upgrade that road. Somebody else bares the obligation; why should we spend the money?

City Engineer; Wes Johnson: Concrete barricades should be set up somewhere eliminating the ability of the construction traffic.

Commissioner Waldrip: Let's see how the road holds up. If it needs to be fixed then we can pulverize it and turn it into a gravel road.

Land owner; Jeremy Pope: I now own that 11 acres and it is now Sweet Mango Lane LLC. Knowing that the annexation agreement existed I still purchased the property, but that is because I put down 100k non-refundable earnest money and I did that based off of the old plan. I've never seen this plan. The old plan showed that the developer would have to re-build Dutch Canyon Road and I fully expected to participate with that developer according to my impact. The plans have changed and now you're dealing with what do we do with Dutch Canyon Road where as the previous layout would bring the road across from Dutch Canyon Subdivision over to Dutch Canyon Road and down to River Road your problem would be solved. I would work with that developer, Mr. Watts and try to get that road completed all at once. Now as it stands there is a lot of uncertainty for me and how I would be able to shoulder the cost of that road and while that's not the City's problem or obligation it's still economics and the reality. I'll be forced into some development or some other options for that land that I don't think that the City or the surrounding neighbors will be happy about. I went in knowingly and bought it, because I didn't

want to lose \$100k, which I committed based off of the plans that I had seen. I had a reservation on lot #8 in the Dutch Canyon Subdivision and so I've been very familiar with the old plan from when I ever looked at it which was about August of last year. When I got the opportunity to buy this land I backed out of that lot. I felt I did so with a pretty good understanding of what was going to happen never did I expect this change. I think that it is worth noting that the people that entered into that annexation agreement are bankrupt, if I'm not smart I could wind up doing the same thing.

James Ballstaedt: Would the State pitch in to help fund this road since 90% of the traffic is going to a state park?

Commissioner Waldrip: Legally how an annexation agreement works there is a legal term and it is "it runs with the land" so that any owner because it's been recorded the record gives constructive notice of the existence of that burden on the land and who ever owns the land in the future is going to have to comply with the annexation agreement provision that talks about improving the road up to the northern boundary of that property.

Paul Berg: We ask that the Planning Commission approve this based off of the process that we've gone through and the directives that has been given by the City Council as far as access and that this development does meet the City code.

**Chairman Oksner closed comments**

Commissioner Waldrip: When we get into situations that do not have any winners or losers the best thing to do is to minimize the impact so everyone shares the impact. The process has come up with a balanced approach as to how to get this development developed and improve the connectivity and the pressurized water supply to not only this community but the surrounding communities etc.

**Motion:** Commissioner O'Toole: I move that we recommend to the City Council that we approve the final approval of the Dutch Canyon Subdivision. The proposal is a large scale subdivision that is 29.08 acres in size and will contain 25 lots their property is located and 600 E Saddle Drive and is in the RA-1-43 zone. We also accept the recommendations from the staff. I'd like to add some conditions, the Dutch Canyon access road will be designated construction access during infrastructure construction, there'll be concrete barricades on Dutch Fields entrance and also on Burgi Lane, one more is if the road does break down and Wes feels that it's important that we will have that in the condition that the City will take the time to grub up the asphalt and just leave it a gravel road.

**Correction:** Commissioner Waldrip: It's not Burgi Lane it's Saddle Drive.

**Amendment:** Commissioner O'Toole: I amend that by saying Saddle Drive.

**Seconded:** Commissioner Waldrip: With that amendment I'll second the motion.

**Chairman Oksner asked if there were any further discussion**

City Engineer; Wes Johnson: I agree with your motion, but we need to leave an access point for the existing home that is in the middle (Walker residence). Something that will stop the dump trucks, but will allow residential through.

**Ayes:** Commissioners Streeter, Rather, Waldrip, Nichols and O'Toole

**Nays:** None

**Motion:** Passed

**ITEM: 5**

**Concept plan review for a proposed 36-unit Planned Unit Development to be called Memorial Ridge PUD located at 98 North River Road. The property is 12.84 acres and is located in the R-1-9, R-1-11 and the R-1-22 zones.**

Planner Henke: Some of this property is in the County, but this property does fall within our annexation district. So this could be annexed into the City if the City does like the plan. There are sensitive lands on this property as well. We'll need to make sure that there is proper spacing between the existing intersections and the proposed intersections on River Road and the access for this subdivision also.

Paul Berg: For each zone we calculated the density that was allowed in that zone and then came up with a composite.

Discussion:

- The piece of property that is currently in the County is a one (1) acre zone. Currently under Midway City's annexation declaration/General Plan Midway would consider it to be in the R-1-22 zone. However, at the time of annexation the City could reconsider the density.
- May not have enough room on River Road for another intersection from a safety standpoint.
- If we meet City code, I'm not sure that it can be turned down.
- Memorial Hill is a visual impediment, there is not a lot of room to work with to put turn lanes in etc....
- River Road already has a traffic problem.
- I think that the City will require the applicant to do a traffic study.
- We'll be looking for a geo-tech and a sensitive lands report.
- Fire concerns on the 4<sup>th</sup> of July with the fireworks, maybe the builder would need to consider certain type of roofing material.

**ITEM: 6**

**Concept plan review for a proposed 54-unit Planned Unit Development at 951 West Lime Canyon Road. The property is 34.62 acres and is located in the R-1-22 and RA-1-43 zones.**

- Water drainage issues
- Deepening the pond at Homestead to hold more run off
- Public safety issue since it only has one access point
- As for as engineering goes this property need to be sized for the historical and development run off

**ITEM: 7**

**Midway City is considering a Code Text Amendment of Section 16.5: Commercial C-2 and C-3 zones. The Planning Commission will consider all permitted and conditional uses in the C-2 and C-3 zones and could possibly remove and add some uses. Furthermore, other regulations, such as setbacks, will be reviewed and may be amended.**

**Motion:** Commissioner Waldrip: I move that we continue this item for at least a month.

**Seconded:** Commissioner O'Toole

Chairman Oksner: Made a comment concerning the General Plan Survey done a few months ago.

Commissioner Nichols: We need to reconsider some uses permitted in the commercial zone, and specifically that has raised a lot of concern is storage units. My understanding is that in Wasatch County and in Heber they do not permit storage units in their commercial zone, they have to be in the industrial or the B & MP zone. I believe that because storage units don't generate a vibrant community atmosphere that we are looking for in our commercial zone; I'm going to move without waiting a month that we recommend tonight to the City Council that the storage units be removed from the commercial zone.

**Seconded:** Commissioner O'Toole

**Ayes:** Streeter, Rather, Waldrip, Nichols and O'Toole

**Nays:** None

**BACKGROUND:**

The purpose of this item is to review the permitted and conditional uses in the C-2 and C-3 zones along with the regulations included in this section such as setbacks. The City Council has directed staff and the Planning Commission to review the uses and to make a recommendation regarding if the listed uses comply with the vision of the City's General Plan. This discussion was initiated because of some of the issues that have arisen because of development in the commercial zones.

It is the City's vision, as described in the General Plan, that Main Street, and the entire commercial district, is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. It is important that the following uses that are currently allowed are reviewed and analyzed so it can be determined if they are in harmony with that vision:

USES	C-2	C-3
Retail, grocery, and service stores (up to 25,000 sq. ft.) Tobacco sales and e-cigarettes (no more than 5% of total retail)	P	P
Professional offices and clinics	P	P
Auto detailing, gas stations and car washes	C	N
Alcohol dispensing establishments	C	C
Residential Facilities for Elderly Persons	C	C
Rest Homes/Nursing/Convalescent Facilities	C	C
Day Care (*as a component of another permitted or conditional use in the C-3 zone)	C	C*
Photo, art, and craft galleries, retail show rooms	P	P
Engraving, publishing, and printing	P	P
Fraternity buildings, clubs, and lodges	C	C
Mortuaries and wedding chapels	P	C

New and used vehicle sales	C	N
Hospitals	P	P
Hotels/motels, bed and breakfast establishments	C	P
Cafes and restaurants	P	P
Public and quasi-public buildings (police/fire stations)	P	P
Recreational activity businesses	P	C
RV, ATV, motorcycle, side by side UTV, OHV sales	C	N
Barber, beauty shops, massage therapy and day spas)	P	P
Vehicle parking	P	P
Repair shops (other than auto)	C	C
Veterinarian and pet grooming services	C	C
Walk-in theaters	C	C
R-1-7 Residential	P	P
Mixed Use (20% minimum commercial, up to 20 residential units per acre)	C	C
Commercial PUDs and commercial condominium projects	C	C
Private academies/studios (education, art, dance, sports, etc.)	C	C
Carpentry and woodworking shops (no outside storage)	C	C
Electrician shops (no outside storage)	C	C
Plumbing shops (no outside storage)	C	C

## Midway's Vision and General Plan

The uses on the preceding list should all be in harmony with the City's General Plan. Some of those uses might not create the atmosphere that is described in the General Plan. Aesthetics should be considered and the General Plan emphasizes the importance of the look and feel of Main Street but community economic health and tax revenue generation should also be considered. For example, new and used car sales will be difficult to make look old European because it will mostly be a parking lot but this type of business is a tax generator for a community and that should be considered. A mortuary is another business that should be considered on all merits. For example, it does not create much foot traffic so it does not add to the vibrant and active Main Street as described in the General Plan but it does provide an important service for the residents of Midway.

Below I will review some of the vision of Main Street from the General Plan so that the current allowed and permitted uses can better be evaluated.

The City's Vision Statement is as follows:

*Our vision for the City of Midway is to be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances its small town Swiss character and natural environment, as well as remaining fiscally responsible.*

Some of the previously mentioned uses may be difficult to make "aesthetically pleasing". The General Plan also describes Main Street as an area that should be vibrant and full of activity. Certain businesses such as restaurants and retail create the activity that is described in the General Plan and other businesses detract from activity because they are visited infrequently. Some uses on the list may fall into this category. The General Plan states the following:

*Main Street is the economic, architectural, and historical heart of the community. The most powerful and lasting image associated with Midway is Main Street. This commercial core should be developed as a distinctive shopping and business area emphasizing it as an attractive meeting place and staging area for festivals, special events, celebrations and a variety of community activities which will produce a vibrant and healthy community centerpiece.*

Some of the uses on the list may work in the commercial zones but should have a setback so they can fill in some of the deep lots that are common along Main Street. By doing this other more aesthetically pleasing and activity generating business will fill in the visible areas along our Main Street and Center Street.

#### **ANALYSIS:**

This proposed amendment allows the City to control the appearance of Main Street in a manner that helps promote the City's Vision statement which states in part, "building a city that is family-oriented, aesthetically pleasing, safe, walkable, and visitor friendly." Again it is important to consider aesthetics, community economic health and along with tax revenue generation when considering the uses allowed in the City's commercial zones.

#### **POSSIBLE FINDINGS:**

- The proposal will better comply with the vision of Midway as described in the General Plan.
- The addition of the proposed ordinance will better promote the City's Vision Statement.

#### **ALTERNATIVE ACTIONS:**

- Recommendation for approval. This action can be taken if the Planning Commission feels that the proposed language is an acceptable addition to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  
- 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
  
- Recommendation of denial. This action can be taken if the Planning Commission feels that the proposed language is not an acceptable addition to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**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 began in January and will last approximately one year.**

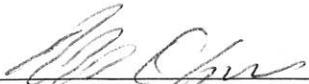
- Planner Henke gave a brief update.

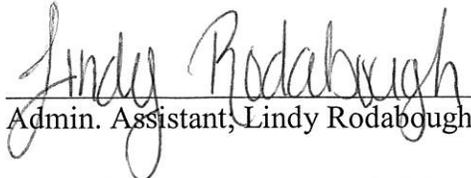
**ITEM: 9**

Adjournment

**Motion:** Commissioner Waldrip: Move to adjourn

**Adjournment time: 9:55pm**

  
 \_\_\_\_\_  
 Chairman; Mickey Oksner

  
 \_\_\_\_\_  
 Admin. Assistant, Lindy Rodabough