

Midway City Planning Commission Work Meeting March 6, 2017

Notice is hereby given that the Midway City Planning Commission will hold a work meeting at 7:00 p.m., March 6, 2017, at the Midway City Community Center 160 West Main Street, Midway, Utah

Attendance:

Mickey Oksner – Chairman
Steve Nichols – Co-Chairman
Stu Waldrip
Nancy O'Toole
Shauna Kohler
Jeff Nicholas
Bill Ream
Natalie Streeter

Staff:

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

Excused

Jim Kohler

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

Midway City is proposing a Code Text Amendment to add the regulations for the proposed C-4 zone (initially proposed as the Tourism Overlay Zone). The purpose of this zone is to create a community gathering area that is focused on tourism and retail. This zone will be walkable and is envisioned to have a central plaza with surrounding commercial and arts related businesses along with residential. The overlay zone would cover the general area from 400 East to 700 East along Main Street focused mostly on the north side of the street.

- Planner Henke did a review of this proposed code

Commissioners discussed:

- 1) Preventing patch work development verses a master concept by having one developer come in and do the entire development and to be willing to invest the capital that it would require for this size of a development.
- 2) Can this type of development be a reality here in Midway? Do we have the traffic volume to support this?
- 3) This development will need an anchor store. A performing arts center could be the anchor for the development that could attract people year-round.
- 4) Having the land donated for the performing arts center
- 5) Five acres would be needed for the arts center and that does not include parking
- 6) Walkability and parking.
- 7) Lump planned performance incentives together into categories
- 8) Make it easy for the developer to get to 20% Commercial and 80% residential. That way we get what we want and they get what they want
- 9) Credits for the planned performance incentives for the major features that we want and incentivize them to get to the 20/80
- 10) The credits for the planned performance incentives need to be adjusted
- 11) Since the theater will be the anchor, none of the other stores should be allowed to be any bigger than 10,000 square feet
- 12) Threshold of acreage
- 13) Lighting - Down lighting/dark sky lighting
- 14) Buffering/protecting peoples view
- 15) Structure height and accessory height
- 16) Keeping a nice view from Memorial Hill
- 17) Parking for this mixed-use proposal
- 18) Offsite parking with a shuttle system
- 19) Water requirement
- 20) A buffer between the residential and this new zone

Chairman Oksner invited a member of the public up to speak

Dan Luster: I'm the developer of the neighborhood Farm Springs and we have a neighborhood set of CCRs we are trying very hard to build a historically accurate European architecture. In that set of CCRs we have all kinds of things like roof pitch, building materials, wood windows, much like this list. What we've found is that people can comply with the spirit of the law or the letter of the law and you can get some really bad architecture that complies exactly with our set of rules. We as an HOA have the power to say you've complied with rules but we have a clause that says we make the final decision. If you guys are writing code can you write in "veto authority?" I think that it is going to be impossible to prescribe a numerical formula that will assure a great outcome. Like everyone says, you have this one spot this one shot let's not screw it up. I don't know what the answer is, but with our HOA we have the "veto authority."

Commissioner Waldrip: In writing provisions in the code for compliance with a

particular zoning designation you cannot be very subjective.

Planner Henke: That is correct. When Cities get sued they get sued over that subjectivity.

Chairman Oksner opened the meeting to the public

Launa Nielson: We really don't think there should be five (5) story building here or a six (6) story building. Yes, there are trees but they are only there in the summer and you can still see through them you cannot see through a concrete building. On the things that Michael has written that they have the option of having their buildings come right up to the property line. If that is allowed the tall buildings will shade everything and it will kill all of the trees.

Commissioner Waldrip: That is not on the outside property lines. There is a 100 to a 200-foot setback on the outside.

Planner Henke: She is correct. This really contradicts its self the way that it is written right now. We need to decide what works best. This is still a very rough draft code we are still trying to gather information.

Launa Nielson: Obviously, some of you want the theater a lot, none of us what to have a theater. We live a block and a half away from the outdoor theater and it is awful to hear all summer long with all the practicing etc....it is very irritating every night. Right now, it is a musical which I love, but what it is scream-o or devo or punk, are you going to forbid that? They allow that over in the Heber City park, fair is fair. I don't see how you could mitigate that. You can't say only certain kinds of music are allowed in our theater. You are so anxious for this theater that you were saying let's get rid of all the other things so we can have the theater, but you are destroying our dreams too by doing that. I've told you this before we were all promised that this land would never be zoned any higher than low density residential and now you are switching it and somebody else switched it before you. We wonder why you do not put this up in the tourism resort area, that is where it belongs it doesn't belong in our back yard or Main Street it is not even supposed to be high density anything over there. Berms would be very nice or something similar. You were talking about subjective things, developers will find their way around subjective things. I've watched them for 30 years, they are slimy buggers. If you give them an inch they will take a mile, you've got to have this written out. Now there is a thing written in this proposition you have that says "the City Council will have the opportunity to the right to offer other incentives other than what is listed in the code." Maybe you could do that instead of saying this is all that is required, but we really like this we will give you this and this, but don't put that in there necessarily exactly what they can give you so they can't legally go after you, because they will. We've been fighting developers sing Brighton tried to come in and take over the town. Can we stipulate times for a bar(s)?

Planner Henke: Anytime of liquor licensing the City has complete control over times and all of those things. There would be a public hearing if any restaurant wants to get a liquor license.

Launa Nielson: The Other End and the old Midway Fifth ward use to have some pretty rip roaring shenanigans going all night long.

Planner Henke: They were eventually shut down.

Launa Nielson: Yes, they were, that was good. I had some other things and I know there were some of the other residence that had some things that they want to talk about. I hope you remember this is our backyards and we know that we can't keep it a field unless we buy it and we don't have a million dollars. If you want this theater so much, you guys have backyards too.

Commissioner Streeter: You've obviously have talked to your neighbors. What sorts of things go over well?

Launa Nielson: When the storage sheds were going in it was either a nice fence or a berm. A berm would have been nicer visually we thought better than a concrete wall with a lot of trees and bushes.

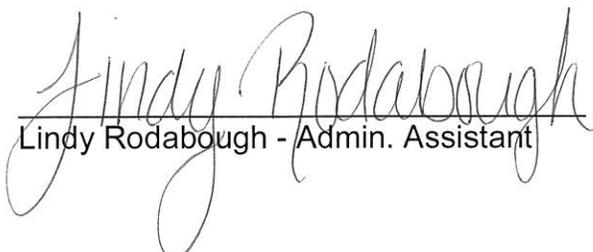
Adjournment

Commissioner Streeter: I move that we adjourn

Time: 9:31pm



Steve Nichols - Chairman



Lindy Rodabough - Admin. Assistant