

**Midway City Planning Commission Regular Meeting  
February 18, 2015**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., February 18, 2015, at the Midway City Community Center  
160 West Main Street, Midway, Utah

**Attendance:**

Mickey Oksner – Chairman  
Jim Kohler  
Chip Maxfield  
Nancy O’Toole  
John Rather  
Natalie Streeter  
Bill Ream  
Steve Nichols

**Staff:**

Michael Henke – City Planner  
Lindy Rodabough – Admin Assistant

**Excused**

Stu Waldrip

**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  
No opening remarks or invocation was given

**Regular Business**

1. Review and possibly approve the Planning Commission Minutes of December 17, 2014.

**Chairman Oksner asked if there were any discussion on the motion**

There was none

**Motion:** Commissioner O’Toole moved to accept the corrected minutes for December 17, 2014

**Seconded:** Commissioner Maxfield

**Votes: Ayes:** Commissioner Rather, Ream, Nichols, Kohler and Streeter

**Nays:** None

**Motion:** Passed

2. Midway City is considering a Code Text Amendment of Section 16.5.2: Permitted and Conditional Uses. The Planning Commission will consider all permitted and conditional uses in the C-2 zone and could possibly remove and add some uses. Furthermore, regulations may be added to some uses.
  - a. Discussion of Code Text Amendment
  - b. Possible recommendation to City Council

**Planner Henke thanked Chairman**

Planner Henke stated the purpose of this item is to review the permitted and conditional uses in the C-2 and C-3 zones. 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 the proposed code text amendment regarding storage units.

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 can be determined if they are in harmony with that vision:

**P = Permitted**

**C = Conditional**

**N = Not allowed**

<b>USES</b>	<b>C-2</b>	<b>C-3</b>
Retail, grocery, and service stores (up to 25,000 sq. ft.)	P	P
Professional offices and clinics	P	P
Auto and body repair and painting	C	N
Service stations and car washes	C	N
Alcohol dispensing establishments	C	C
Residential Facilities for Elderly Persons	P	N
Rest Homes/Nursing/Convalescent Facilities	C	N
Furniture and appliance stores	P	P
Engraving, publishing, and printing	P	P
Fraternity buildings, clubs, and lodges	C	C
Mortuaries and wedding chapels	P	P
New and used car sales	C	N

Hospitals	P	P
Photo, art, and craft galleries, retail show rooms	P	P
Hotels/motels, bed and breakfast establishments	C	C
Cafes and restaurants	P	P
Public and quasi-public buildings (police/fire stations)	P	P
Warehousing and mini-storage units	C	N
Recreational activity businesses	P	C
RV and ATV sales	C	N
Convenience stores/shops (up to 5,000 sq. ft.)	C	C
Personal service shops (barber and beauty shops)	P	P
Vehicle parking	P	P
Financial, insurance, and real estate offices	P	P
Repair shops (other than auto)	C	C
Veterinarian services	C	C
Walk-in theaters	C	N
R-1-7 Residential	P	N
Dwelling units above or below permitted commercial use	P	C
Commercial PUDs and condominium projects	C	C
RV parks	C	N
Private academies/studios (art, dance, sports, etc.)	C	C
Carpentry and woodworking shops	C	C
Electrician shops	C	C
Plumbing shops	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:**

Planner Henke stated that 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:**

1. 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
  
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 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

## **Retail, grocery, and service stores**

- Chairman Oksner asked about developing a C-4 zone. He is wondering if it is more appropriate to put something outside of the walking area of downtown, but still make it convenient to the neighborhood.
  
- Commissioner Maxfield asked a question regarding mixed use type development under one single roof. The development would have components of retail and components of living space and was over twenty five thousand square feet. How would that fit?
- Planner Henke's answer: My interpretation of that would be every individual store would have to qualify as twenty five thousand square feet not the overall size of the building.

- Chairman Oksner asked could retail over twenty five thousand be conditional?
- Planner Henke's answer: That is an option, but realize that once you put that in as a conditional use you pretty much have to accept that it will probably be there. You can't really stop it unless there is safety issue.
  
- Commissioner Maxfield asked: Permitted means that you have discretion?
- Planner Henke's answer: Permitted means that it does not need administrative approval. I just look at the rules and the code and sign off on it. Conditional there is some discretion, we can add reasonable conditions. It will have a public hearing before the Planning Commission or the City Council.
  
- Commissioner Rather asked: How big is Ridley's, is that about twenty five thousand square feet?
- Planner Henke's answer: I'm having a hard time remembering. I think that it was about ¼ acre in size which is roughly eleven thousand square feet. I can re-measure that, but that is what I remember.
  
- Commissioner Maxfield asked: What is the definition of service stores?
- Planner Henke's answer: I don't really know what a service store is so the thought is to strike "service" all together.
  
- Chairman Oksner: Can we strike service store? Leave it retail and grocery up to twenty five thousand square feet? Unless you want to make it twenty thousand square feet.
- Commissioner Ream: Twenty five thousand seems rather big if Ridley's is only eleven thousand square feet. We are talking twice the size of Ridley's.
- Commissioner Maxfield: Part of the mission and objectives was vibrant. That can mean different things to different people. One aspect of vibrant can have selection, so you can have different types of retail so if you have too small of retail then they don't work. You can have small retail then vibrant can be because you have a whole bunch of different small shops that adds to vibrant. Where if you had one twenty five thousand square foot something that would pretty much occupy everything Midway would probably need, but then your vibrant would kind of go away. You want opportunity for people to come in and have a business.
- Chairman Oksner: Are we in an agreement that service stores should go?
- Commissioners: Agreed, yes. Are we making a motion on each item tonight?
- Planner Henke's answer: What my thought is, you give me your ideas tonight. Then we come back in our next meeting and I show you the actual code. Then you can make a motion on that, if you are all in agreement.
  
- Chairman Oksner: If we were to make retail grocery up to 12,000 square feet=Permitted and 12,000+ square feet=Conditional. Would that provide some flexibility for a bigger store?
- Planner Henke's answer: It would allow a bigger store and what it would allow is some flexibility to add some conditions to a bigger store.

- Commissioner Ream asked: Are there conditions based on parking? If you have a 25,000 square foot store, what are the parking requirements?
- Planner Henke's answer: It's based off of your retail area so it's roughly one stall for every 250 square feet. If I remember correctly in our code.
- Planner Henke asked: Would you feel comfortable with me saying that whatever the size of Ridley's is that would be the size limit?
- Commissioners: Yes

### **Auto body and Repair**

- Planner Henke: This is the thought that I've got on this. I don't think that you want to exclude that out of Midway, but it may be one of those things you have a setback to so it's not right off of the main road.
- Commissioner Rather: Auto repair shops take up a lot of space
- Commissioner Ream: Auto repair shop is not a walkable space. There should be a limit on the amount of cars that can be sitting there
- Planner Henke read Commissioner Waldrip's comments his comment was a 100' set back
- Commissioner Kohler: Make a real distinction between an auto body repair and a mechanic shop. I don't see anywhere in our Vision where an auto body repair painting shop would fit in. Leave in there a conditional use permit auto mechanic shop.
- Chairman Oksner: ODOR is that something we need to consider when we approve industry?
- Commissioner Maxfield: Here's a conflict. The conflict is if you look at the Vision and Mission which of those fit and which of those don't fit generally speaking as a tourist vibrant location that tells me that is more of a focus on retail other than you would find in towns. You'd want to utilize Main Street to be more tourist oriented than located orientated. You'd want to use another zoning classification for the restoration and the auto repair. So it's not kicking it out of Midway, but trying to protect Main Street to be more tourist oriented.
- Planner Henke: The problem we run into is where do we put that new zone in?
- Commissioner Streeter: Auto restoration will often have a small shop. Sometimes the front of their shop will be glass. We don't want the auto body. I think that we are all in agreement with that. It seems like we are ok with repair and I throw the restoration out

because that is kind of in between the two and it should probably be mentioned. If you say no to auto body someone can say I'm not an auto body shop I'm a restoration shop.

- Commissioners discussed on what to strike and what to allow with 100' setbacks.
- Planner Henke: Strike auto body and painting and add 100' setback for auto repair.

## **Service Stations and Car Washes**

- Planner Henke: The problem with car washes is the noise they can also become a slippery hazard in the winter time when cars pull out onto the road especially if it is near an intersection. It's possible that we can say that it requires a 100' setback, that way it is behind another business.
- Planner Henke: My suggestion for a service station would be to have the canopy to the side or even behind a structure. They are not going to like that.
- Commissioner Kohler: Is Jiffy Lube considered a service station or auto repair?
  - Planner Henke: I think that it would be considered a service station.
- Planner Henke: Something to think about regarding setbacks. Right now our code requires any commercial uses be a minimum 10' from the sidewalk with a maximum of 30' from the sidewalk. You want to pull your business up to the sidewalk. So unless we specifically put a setback we are going to force those businesses closer to the sidewalk.
- Commissioners discussed requiring a 100' setback versus handling each case/application individually and dealing with it using the conditional use permit.
  - Planner Henke: How does the Planning Commission feel about striking setbacks then so we don't specifically say 100' setback on any of these businesses and we try to handle it under conditional use permits process?
- Commissioners discussed having something written up saying something to the affect that the Planning Commission may require greater setbacks than what is listed in the code.
- Commissioners commented: By doing this it does a couple of things. It allows us to be flexible for things that we cannot foresee, but not have to allow something that we didn't intend.
  - Planner Henke: I've made a note to add a setback discretion note and building orientation. Regarding setbacks I'm going to strike those out and we will handle them on a case by case basis.
- Planner Henke: Cross off service station and just leave car wash?
- Commissioners: Yes

## **Alcohol dispensing establishments**

- Planner Henke recommend keeping this due to our tourism, commissioners agreed.
- Commissioners: They agreed with Planner Henke.

## **Residential Facilities for Elderly Persons**

- Planner Henke: Since we allow homes in the C-3 zone which is our core area, would we allow residential facilities for elderly persons? Or do we want to leave that out in the C-2 zone or any other zone?
- Commissioner Maxfield: How do you distinguish residential facilities and rest home nursing convalescent?
  - Planner Henke: They are pretty much the same. I think that we better change one of them to match the other.
- Commissioner O'Toole: Maybe residential facilities are conditional permit as we do have the rest homes just so we can have a little bit more control
- Planner Henke: So change the P to a C on residential facilities rather than to change them to match?
- Commissioner Maxfield: Can we just combine those two?
- Planner Henke: We could get rid of one of them.
- Commissioner Kohler: As your distinction are you thinking of an assisted living and a rest home, nursing, convalescent facility? The level of care is different in a rest home, nursing, convalescent facility than an assisted living facility.
  - Planner Henke: In my mind there is a difference of service, but I think I would group them as being the same. If you allow one why not allow the other?
- Commissioner Streeter: I think the reason for the distinction is that you have the residential as a permitted and the rest home is conditional is due to the traffic volume between the two facilities. The rest home, nursing, convalescent facility will have a higher traffic volume with ambulances etcetera at a far more frequent level than an assisted living home would have.
- Planner Henke: Where ever we allow residences we have to allow residential treatment facilities. It is a permitted use anywhere there is residences.
- Chairman Oksner: Regarding professional offices and clinics, residential facilities, rest homes. Do we want to apply a 12,000 square foot restriction on something to prevent size or limit them to 5,000 square feet if they are going to be in a residential C-3?
  - Planner Henke: Right now there is no limitation on size, so someone could come in and put in as many units as they want. Although once a facility reaches over 16 residents then the building code changes dramatically.
- Chairman Oksner: No commercial unit can be larger than 12,000 feet. Do we want to limit the size of all buildings not just retail and grocery?
  - Commissioner Streeter: I would put a square footage restriction on a hospital.

## **Dwelling units above or below permitted commercial use/Mixed use**

- Commissioner Maxfield: Mixed use you wouldn't be getting 12,000 square foot stores. You'd be getting multiple small square footage stores/mixed uses.
- Planner Henke: Currently we do not have any limitations for mixed use and that can be problematic. If you go to most cities they will say seven (7) units per acre or fourteen (14) units per acre or something along those lines. We need some limit. Right now our only limits are the height, parking requirements and our landscaping. We need to add some density cap and the other thing we need to add is someone could put one (1) commercial office and do the rest apartments. I think we should say 40% has to be commercial or something along those lines. We need to have a minimum standard.
- Commissioner Maxfield: You have to have some ratio between residential and commercial and probably overall size limits. You have to have a really dense space in order to support the commercial.
- Commissioner Ream: Could we also say on the street level it has to be commercial?
  - Planner Henke: You could, however that could be a potential problem with lending. It could create a very high commercial compared to residential. We might limit our mixed use if we limit our whole bottom floor to just commercial. The other thought is to have a cap on density.
- Planner Henke: Any thoughts on a density cap?
  - Commissioner Maxfield: Yes but I do not know what that is yet. This is general, but it needs to be dense enough to support the cost and some of the commercial. I would think that the density would have to be more than what the Hamlet is maybe double or triple.
- Planner Henke: I will look at the county's code for around UVU and I will talk to the county planner. They've got some pretty high density caps around that area. I'll do some research and then come back and talk about it.
- Planner Henke: We need to decide if the rest homes and residential facilities are going to be permitted or conditional use. Is the thought conditional maybe?
- Commissioner O'Toole: I think so, that way we can have a little bit more leeway.
- Commissioner Streeter: I think that the traffic is going to come up as a big issue depending on the siting so I think you are going to want a conditional use permit.
- Planner Henke: So we will take this from permitted to conditional.

## **Consolidating C-2 & C-3 zones**

- Commissioner Streeter: With the idea of size limits couldn't we reduce this list by a third
- Planner Henke: Furniture and appliances stores really fall under the retail category.
- Chairman Oksner: Financial, insurance, and real estate offices could go under professional offices and clinics.
- Commissioner Ream: Photo, art, and craft galleries, retail show rooms. Wouldn't these fall under retail?
- Planner Henke: Yes

## **New and used car sales**

- Commissioner Maxfield: Maybe make it boutique type new and used car sales, just a thought.
- Planner Henke: To make it boutique. To me that means smaller. You would limit the number of cars on the lot. The building would have to be pulled up to Main Street and they could have some cars to the side of the building.
- Commissioner Streeter: Visually something needs to be done so there isn't a sea of pavement. You wouldn't want pavement from one lot line to another.
- Commissioner Maxfield: Should we change the wording from cars to vehicle or automobile?

## **Warehousing and mini-storage units**

- Planner Henke: Does anyone have a problem with striking that from the code?
- Commissioners: No
- Commissioner Ream: Are we moving these to the B&MP zone?
- Planner Henke: That is something to discuss. Do we still want a spot in Midway for storage units, or are we done with storage units?
- Commissioners: Discussed out loud that maybe not exclude them from Midway, but do exclude them from the C-2 and C-3 zones.
- Planner Henke: We will strike it as for now.

## **Recreational activity businesses**

- Commissioner Maxfield: We want that.
- Commissioners: Discussed and decided to change this to permitted in the C-3 zone.

## **RV and ATV Sales**

- Planner Henke: Stu has crossed out on his list RV and has left ATV sales.
- Commissioners: Discussed and agreed to eliminate RV sales.
- Planner Henke: Cross out RV and we will leave ATV and leave it to conditional use in the C-2 zone. Motorcycle/ATV/UTV
- Commissioner Maxfield: We need to expand these so they fit under this category.
- Planner Henke: Some of them are motorcycle/ATV/UTV/Side by Side/OHV.
- Commissioners: Upon further discussion about RV sales, leave RV as long as it is conditional.

## **Convenience stores/shops (up to 5,000 sq. ft.)**

- Commissioners: Discussed to cross out and consider it retail.
- Chairman Oksner: Item 4, Service stations and car wash. Do you want to include the 7-11 type operation in that?
- Commissioner Maxfield: I do not know how you define service stations, but we had all that talk about auto repair. Service stations use to be your auto repair, so is the code written that a service station is auto repair, and if that's the case you could have car wash and you could have service stations under the auto repair.
- Planner Henke: We could get rid of service stations and just leave car washes and consider any store that goes along with gas pumps retail.
- Commissioner Maxfield: Oil lubes can go under auto repair, that's where they fit.
- Planner Henke: Cross out service station and leave car wash as conditional.
- Commissioners: Agreed yes
- Commissioner Kohler: Where do tire stores fit in?
- Commissioner Maxfield: I would put that under auto repair.
- Planner Henke: We have auto detailing. Do we want to add service station to cover that?
- Commissioner Maxfield: Couldn't that be considered auto repair?
- Planner Henke: I think we should add auto repair/auto detailing/service station in the same line.

## **Personal service shops (barber and beauty shops)**

- Commissioners: Discussed to change the name to read only as Barber and beauty shops
- Planner Henke: Do we want to add tattoo parlors?
- Commissioner Streeter: I think if we leave it off it's not that we are excluding it. If we leave it off and someone says that we want a tattoo parlor they can go through the necessary steps to apply for this type of business.
- Chairman Oksner: Do tattoo artist have to be licensed by the state?
- Planner Henke: Yes
- Chairman Oksner: If they are state licensed why would we restrict it?
- Planner Henke: A community can decide what businesses they want. You don't have to have everything only if it is covered by free speech do you have to have it.

## **Vehicle Parking**

- Planner Henke: In our general plan we do want to have some public parking.

## **Repair shops (other than auto)**

- Commissioners: Agreed to keep this a CUP.

## **Veterinarian services**

- Chairman Oksner: Does veterinarian include grooming?
- Planner Henke: That might be good to put in there also.

## **Walk-in theaters**

- Chairman Oksner: Describe walk-in theaters.
- Planner Henke: They are your normal current theaters you see today versus a drive-up theater.
- Chairman Oksner: Do you want a size limit?
- Planner Henke: No, I don't. I think that it is all contained in a building. You put a size restriction and we will never get one.
- Commissioner Maxfield: Why is walk-in theaters not allowed in the C-3 zone? You're talking about mixed use which is allowed in both the C-2 and C-3 zones, and that can be a component part of that.
- Planner Henke: I don't have a good answer for why it is not allowed.
- Commissioner Maxfield: Can we change it to conditional in the C-3 zone?
- Planner Henke: Yes
- Commissioners: Agreed to change walk-in theaters to conditional in the C-3 zone.

## **RV parks**

- Planner Henke: Do we feel like this would be a good use on Main Street or Center Street?
- Commissioners: Agreed to strike this out of the C-2 and C-3 zone.
- Planner Henke: This is something good to have for tourism and people will spend money, but not in the C-2 and C-3 zones. This would be something more for the R-1-22 zone.

## **Private academies/studios (art, dance, sports, etc.)**

- Commissioner Ream: Do we want to add educational?
- Chairman Oksner: Does that include child care or pre-school?

- Commissioner Ream: I say no
- Planner Henke: I would suggest adding day care into the commercial zone and take it out of residential zones.
- Commissioner Streeter: If we put it in the commercial zone as a conditional use we could address traffic noise etc.
- Chairman Oksner: Is day care regulated by the state?
- Commissioners: Yes
- Commissioners: Agreed to add day care in the C-2 zone as a conditional use permit.

### **Electrician shops**

- Planner Henke: I think this is fine as conditional, but my worry is the outside storage.
- Commissioner Maxfield: Let's say we do not allow outside storage.
- Commissioner Streeter: I would apply that to all your trade workshops.
- Chairman Oksner: They could build an outside storage shed and store their supplies in there.

### **Plumbing shops**

- Planner Henke: I think this is fine as conditional, but my worry is the outside storage.
- Commissioner Maxfield: Let's say we do not allow outside storage.
- Commissioner Streeter: I would apply that to all your trade workshops.
- Chairman Oksner: They could build an outside storage shed and store their supplies in there.

### **Other**

- Commissioner Ream: What about artists' studios? Not the galleries, but actual production metal work, etc.
- Commissioner Streeter: What about foundries?
- Commissioners: Agreed on conditional for foundries, welding, and metal work etc.

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

There was none

### **Chairman Oksner asked for a motion to adjourn**

There was none

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

There was none

**Chairman Oksner asked for a motion to adjourn**

**ADJOURNMENT**

**Motion:** Commissioner Nichols made a motion to adjourn

**Seconded:** Commissioner O'Toole

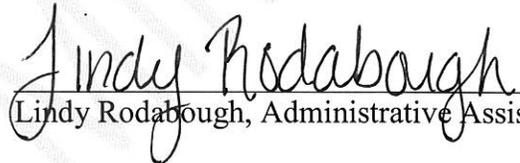
**Ayes:** Commissioner O'Toole, Streeter, Kohler, and Maxfield

**Nays:** None

**Motion:** Continue this until our next meeting

**Adjourn: 10:23pm**

  
\_\_\_\_\_  
Mickey Oksner, Chairman

  
\_\_\_\_\_  
Lindy Rodabough, Administrative Assistant