

**Midway City Planning Commission Regular Meeting
December 17, 2014**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., December 17, 2014, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance:

Mickey Oksner – Chairman
Stu Waldrip – Co-Chair
Jim Kohler
Nancy O’Toole
John Rather
Natalie Streeter
Bill Ream

Staff:

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

Excused

Chip Maxfield
Steve Nichols

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 October 15, 2014.

Chairman Oksner asked if there were any discussion on the motion

There was none

Motion: Commissioner Rather made a motion that we approve the minutes October 15, 2014

Seconded: Commissioner O’Toole

Votes: Ayes: Commissioner Kohler, Waldrip, Streeter and Ream

Nays: None

Motion: Passed

2. 2015 Planning Commission Meeting Schedule, review & approval

Chairman Oksner asked if there were any discussion on the motion

There was none

Motion: Commissioner Ream moved that we approve the calendar

Seconded: Commissioner Streeter

Votes: Ayes: Commissioner O'Toole, Kohler, Waldrip, and Rather

Nays: None

Motion: Passed

3. Paul Berg, agent for Eldon Wright Trust, is requesting Final Approval for Eldon's Place, a standard subdivision. The proposal is for five (5) lots located on 3.6 acres. The subdivision is located at 50 West 970 South and is in the R-1-22 zone.

Planner Henke thanked Chairman Oksner and the Members of the Planning Commission and the public

Planner Henke stated that this request is for final approval of a subdivision on 3.6 acres that will consist of five lots. Currently the property is being used for agricultural purposes. There will be a street built within the subdivision and all the lots will have access from that local street. There will be no access to the lots from Hwy 113 or from 970 South which is a collector road and only has direct access if the City Council grants access specifically. The lots range in size from 0.50 acres to 0.72 acres and all meet the requirements for acreage, width and frontage in the R-1-22 zone. Also a 20' wide public trail easement will be deeded to the City and the developer will build the trail through that easement which will connect to the existing trail in front of the LDS church to the south.

Planner Henke gave a land use summary of the property

- 3.6 acre parcel
- R-1-22 zoning
- Proposal contains 5 lots (ranging from 0.50 acres to 0.72 acres)
- 8' paved public trail is planned for the area and will be constructed by the developer. The developer will grant a trail easement of 20' along the frontage of Hwy 113
- The lots will connect to the Midway Sanitation District sewer and the City's water line.

Planner Henke stated the following analysis of the property

Roads – The proposal is to build a new public road that will create frontage for the five lots in the subdivision.

Trails – The City’s master trail plan does have an 8’ paved public trail planned for Center Street. The trail will be located in a 20’ wide public trail easement. The developer will be responsible for the dedication of the easement for that trail and also for building the trail. The City would also like the landscaping that is in place in front of the LDS church to continue to the north. This is a low maintenance landscaping design that will be an asset to the community. The developer has graciously agreed to grant the City a public trail easement in front of the home on the corner of 970 S. and Hwy 113. Since this area is not in the area of the plat the developer was not required to grant the easement. It will be the City’s responsibility to build the trail in this area.

Water Connection – The lots will connect to the City’s water line located in Center Street.

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

Driveway Access – All driveway access will be limited to the local street that the developer will build in the subdivision. There will be no driveway access to Hwy 113 or to 970 S. The limited access to 970 S is based on the fact that 970 S. is classified as a collector road and the City does not allow driveways on this classification unless specifically approved.

Irrigation Ditch – The developer was directed to communicate with the Midway Irrigation Company regarding the ditch that will be rerouted and piped through the development. Paul Berg has discussed the issue with them and the end result is the pipe will have a diameter of 24”. The proposed route of the pipe has been accepted by the irrigation company.

Required Water Shares – The Water Board recommended that three shares of water be turned over to the City to cover the culinary and irrigation requirements for the lots in the subdivision.

POSSIBLE FINDINGS:

- The proposed lots meet the minimum requirements for the R-1-22 zoning district
- The proposal does meet the intent of the General Plan for the R-1-22 zoning district

POSSIBLE CONDITION:

1. A Development Agreement must be recorded with the plat.
 2. Three shares of water are turned over to City to cover the culinary and irrigation requirements of the lots in the subdivision.
- Commissioner Ream had a question regarding the power poles that will be in front of the subdivision. His question was will these poles be the same poles that he sees along 40 the very large poles?
 - Planner Henke's answer, yes.
 - Commissioner Waldrip asked how the generous offer from the homeowner for the easement for the trail will be handled if it will be put into a contract or in the development agreement.
 - Planner Henke's answer. Paul Berg is going to create the boundary description then our attorney will put a deed together, so it will show that it has been deeded over to the City the only condition that the homeowners have is that none of their trees be removed for the placement of the trail.
 - Commissioner Streeter asked the City Engineer to explain where the water line is going.
 - City Engineer's answer. There is an existing 12" line that runs down Center Street to Tate Lane they will be connecting to that and installing a 12" line to the limits of their boundary. The impact fees will reimburse the upsizing from 8" to 12" pipe. As part of this 12" line that was installed a reimbursement contract was entered into with the subdivision that is now the Higley property. There is a reimbursement agreement that will need to be paid as the plat is recorded in the amount of \$7,183.05.
 - Commissioner Streeter stated to the City Engineer, in your report you talk about Eldon's Place tying into Saddle Creek Ranch, that was more of my question that I was asking.
 - City Engineer's answer. Saddle Creek Ranch as a 12" line shown in 970. What the intent of my report was if Saddle Creek Ranch come first they will install that 12" line. If Eldon's development comes in first then they will install the 12" line to the west boundary and that 12" line is currently shown on these plans. It is just a timing issue of who gets there first.
 - Commissioner Streeter has concerns regarding the intersection (at 970 S and Center Street), it currently is not in good condition and fears that it will only get worse once the large heavy equipment has drove over it many times while building the subdivision. She is wondering if they could make the City responsible to repair it once the construction is complete at Eldon's Place.
 - City Engineer's answer. The reconstruction of 970 south is a requirement of Saddle Creek Ranch. The road is planned to be rebuilt by this developer. Midway City doesn't want to come and spend money for the reconstruction of this road so that the developer doesn't have to, but if we see that this road is deteriorating to

the point that something needs to be done then the City will step in and do something with the road. Again, it's going to be a waiting game.

- Commissioner Streeter had a comment to Paul Berg and Thom Wright. She said that she doesn't know if the irrigation company has requested this of you or not. She strongly recommends a grate of some sort over the entrance to their pipe.
 - Paul Berg's answer. That is a great suggestion. In working with the irrigation company they have planned several clean out boxes so the pipe is in shorter segments so it is easier to clean the pipe out.
- Paul Berg wanted to give a little bit more information regarding the irrigation pipeline. He said that many of the neighbors have had issues with flooding in the past and that is largely due to undersized culverts. Midway City's minimum is 18", and as he and Mike Kohler discussed this they decided to put in a 24" culvert which gives it about 50% more capacity than an 18" pipe. This much larger pipe line can handle stuff that may flow through it or if it is a high water year. The existing ditch will be gone, a head gate will be at the beginning of it and there will be several clean out boxes. They are hoping by installing a larger pipe they can reduce some of the flooding issues that have occurred in the past. The other flooding issues will have to be taken care of by the other property owners surrounding this subdivision.

Chairman Oksner asked if there were any further discussion

There was none.

Motion: Commissioner Streeter moved that we grant final approval for Eldon's Place subdivision with the proposed condition by staff that a development agreement must be recorded with the plat and a strong suggestion to grate the entrance to the irrigation pipe.

Seconded: Commissioner O'Toole

- ❖ Commissioner Waldrip asked that the second and the proponent of the motion would accept the findings by the staff that the proposed lots meet the minimum requirements for the applicable zone and the proposed development meets the intent of the general plan for that area. Accept the staff report and are recommending conditional approval of the tracked. Commissioner Streeter and Commissioner O' Toole accepted Commissioner Waldrips comments

Votes: Ayes: Commissioner Rather, Ream, Kohler, Adams, Waldrip

Nays: None

Motion: Passed

4. Paul Berg, agent for Thom Wright, is requesting a Conditional Use Permit for commercial storage units that will be located behind the existing dwelling at 231 E Main Street. The property is located in the C-2 zone.

Planner Henke thanked Chairman

Planner Henke stated that this request for a Conditional Use Permit (CUP) by Christopher Christensen is for commercial storage units that would be built behind the existing structure at 231 E Main Street. The structure is metal and will house 24 storage units of various sizes. The proposed use is a conditional use (Section 16.5.2.B) in the C-2 zone. Since the structure is

commercial in nature the Visual and Architectural Committee (VAC) has reviewed the project and made a recommendation regarding the visual design of the structure and surrounding property and signage.

The storage structure will stand in the center of the property, behind the existing dwelling, and will have an access driveway that surrounds the building. There will be storage unit doors on all four sides of the structure. The business's main access will be from Main Street and the driveway will run along the east side of the home where the existing driveway is located. The business will have an automatic access gate that will help secure the facility. There is also a secondary access that will be used as an exit only. The secondary access will be about 16' wide and will connect to 200 E.

The VAC reviews all new commercial construction and has influence over design, materials, fencing, lighting, signage, among other items. Their goal is to influence new construction and signs so that the visual goal of the City, as described in the General Plan, is brought to realization. The developer did hire an architect which helped give the storage units more character. The architect added stone veneer and the south and west facades and also added decorative trim on the same facades. The colors used on the building will be brown, tan and off white. These colors will match the pot rock that is used heavily in the area and will not be as easily seen from Main Street or from 200 E. The building itself will have limited visibility from Main Street because of the existing structures and trees in the surrounding area (see attached photo simulation). The VAC also discussed fencing, lighting and the signage proposed for the business. At this point no fencing will be installed with the project but if fencing is added later it will need to meet the requirements of the code regarding commercial fencing. Paul Berg, engineer for the project, designed the drainage system and is proposing two lights; one on the southeast corner near the entrance gate and another on the northwest corner near the secondary access. The lights will be mounted on a post and will comply with the dark sky ordinance of the land use code. The VAC was given the option to choose from two signs. After discussion, option number two was chosen (see attached rendering).

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 before the City Council.

Planner Henke stated the following analysis of the property

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

1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code; *planning staff believes that the proposal will not impair the integrity and character of the C-2 zone. The building is located behind a dwelling and should have minimal visual impact from the surrounding streets. The proposal should not have a significant impact on the neighborhood because the volume of traffic and clientele will most likely be low. 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 City has recently debated if this use is consistent with the General Plan and that question has not yet been answered though the proposed use is allowed as a conditional use in the C-2 zone. It is fairly clear this business will not add to the vibrant and active Main Street as described in the General Plan but it will also be located behind another historic structure and the use in that structure could add to the activity on Main Street. Because the structure is situated behind other uses it should not have a negative impact on Main Street.*
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 proposal is required to have an approved business license with the City. The applicant will need to apply for a license and it 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 has been engineered for drainage and all increased runoff will be captured and stored in sumps 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 use will create more traffic for the area and that is expected in the commercial zone. Traffic will increase to the property but it will be relatively low as compared to other commercial uses. The business should be relatively quiet because of the infrequent visits to the storage units that are expected. There will not be any "beeping" from the two automatic gates that will be installed on the property.*
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; the project has been reviewed and no issues have been identified.*

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 of the structure and sign.

ALTERNATIVE ACTIONS:

1. Recommendation of Conditional Approval. This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
2. Recommendation of Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITIONS:

1. Before installation of any fencing, the applicant must submit drawings for planning staff to review.

Chairman Oksner asked if there were any discussion on the motion

There was none

~There is an existing six foot vinyl fence along the Kohler property and an existing six foot wood fence along the back. There is no proposed fencing from the applicant although there will be two automatic gates added, one in the front and one in the back.

~VAC did review this building and did recommend that the building be approved as the way it is now. VAC also recommend sign concept #2

- Commissioner Streeter has concerns regarding seeing the building and the doors. She would like something done with the doors. Many Commissioners made several different suggestions to this issue, i.e. fences and or plants/shrubbery. Commissioner Waldrip made a comment on the greenery growing on fences; he said that he just mediated a case with plants on fences because the plants grow on the fence and then the fence cannot be maintained therefore the fence goes uncared for and falls apart
- Commissioners had questions regarding lighting.
 - Paul's answer: There will be two lights, one at the entrance and one at the exit. They will be hooded lights so they shine down and not out.
- Commissioners wanted to know the business operating hours and they suggested that the business follows the noise ordinance, 6am to 10pm.
- Commissioner O'Toole asked Paul how much space he has on the right hand side of the storage units.
 - Paul's answer: Approximately there is 24 feet on the east side and 18.5 feet on the west side, building is approximately 40 feet by 100 feet
- City Engineer is concerned about the left hand turn exiting the parking lot on the west side of the building. He is concerned that there is not enough space to make that turn.
- Commissioners wanted the building moved four feet to the east to leave four feet for vertical shrubbery
- Planner Henke stated that he had spoken with the home owner east of this property and he has concerns regarding the traffic going by his house. Planner Henke stated that the home owner could not be here tonight for the meeting, but wanted him to relay this concern to the Commissioners. Planner Henke stated that as we look at traffic calculations for businesses of this type and the traffic it will produce it is on the low end of the scale.
- Planner Henke stated that we want as minimal noise as possible and Paul Berg and Thom Wright said that the security key pad will be silent.

Motion: Commissioner Waldrip moved that we grant CUP according to the application of the applicant. We accept the findings of staff the proposed uses within C-2 zone as a permitted use with a CUP. That the proposal will increase the traffic but not significantly, and that the VAC has approved the proposed design and finish of the building that's been proposed on the property. Conditions, before the installation of any fencing the applicant must submit drawings for the Planning Staff to review and make comments on and approve. Also, move the building four feet to east to accommodate approximately a four foot planter area on the property line near the pot rock wall that's on the neighboring property, the purpose of that is that the Planning Commission anticipates any planting in that area would be vertical screening plants to mitigate the visual impact of the doors from plain view. Operating hours be limited to 6am-10pm.

Seconded: Commissioner Kohler

Votes: Ayes: Commissioner Ream, Rather, Streeter, O'Toole, and Waldrip

Nays: None

Motion: Passed with conditions

5. Paul Berg, agent for Bill Probst and Dennis Higley, is requesting Annexation of 65.42 acres called the Canyon View Annexation. The petitioners are asking that the property be zoned RA-1-43 and plan to develop a Planned Unit Development on the property. The property is located on the east and west sides of Canyon View Road to the west of Valais.

Planner Henke thanked Chairman

Planner Henke stated that Bill Probst and Dennis Higley have petitioned the City to annex of 65.42 acres that will be zoned RA-1-43 if approved by the City Council. Currently the property is located in the County and is zoned RA-1. The area does fall within Midway's annexation declaration area so the property is allowed to be annexed but the City is under no obligation to annex the property. The Municipal Code does require that numerous issues are analyzed and evaluated before the City considers approving an annexation. Those items will be discussed in the analysis section of this report. Currently the City boundary runs along the three sides of the proposed annexation.

The annexation contains six separate parcels, three of which are owned by the developers. The developers own 82% of the land included and 57% of the taxable value. The other three are owned by individuals not associated with the development and none of the three have signed the annexation petition. The parcels are as follows:

<u>Property Owner</u>	<u>Tax ID#</u>	<u>Signed Petition</u>	<u>Acres</u>	<u>Taxable Value</u>
Probst Enterprises	OWC-0311-0	Yes	17.99	\$ 1,000
and Dennis Higgle	OWC-0305-0	Yes	28.07	\$ 530,155
	OWC-0232-0	Yes	7.85	\$ 265,891
Laren Gertsch	OWC-0305-1	No	6.56	\$ 264,853
Margaret Huber	OWC-0307-0	No	0.45	\$ 77,053
LDS Church	OWC-0305-2	No	4.50	\$ 249,008

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

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

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

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

Planner Henke stated the following analysis of the property

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

- A. The ability to meet the general annexation requirements set forth in this Title; *planning staff believes that the proposal does comply with the general requirements of this Title.*
- B. An accurate map of the proposed annexation area showing the boundaries and property ownership within the area, the topography of the area and major natural features, e.g. drainage, channels, streams, wooded areas, areas of high water table, very steep slopes, sensitive ridgeline areas, wildfire/wild land interface areas, and other environmentally sensitive lands: *the proposed annexation plat map has been submitted and is attached to this report. Also a proposed development plan has been submitted and includes the sensitive land areas on the property. The sensitive lands include wetlands and some pot rock mounds that will be preserved.*
- C. Identification of current and potential population of the area and the current residential densities: *currently there is one home in the annexation area. The development potential of the area is approximately 90 units and potentially a future church on the property owned by the LDS church if it is not developed as a residential development. The Gertch property could also be subdivided into roughly six lots. It appears the Huber property is not developable.*
- D. Land uses presently existing and those proposed: *currently the land in the area is being used for agricultural purposes. Some of the property on the north end is irrigated and some of the property is being used to graze and raise cattle. The proposed land uses include residential development with 50% open space that could be left fallow or be used as an agricultural parcel.*

- E. Character and development of adjacent properties and neighborhoods: *the properties to the east and south include two planned unit developments (PUD). There are also some standard lot subdivisions in the area. The property to the north is an irrigated field that could be developed in the future. The proposed use will match the other PUDs in the area.*
- F. Present zoning and proposed zoning: *the current County zoning is RA-1 which is a one-acre zone. The planned zoning that midway has established is RA-1-43 which is also an ace zone. The RA-1-43 zone does allow a PUD if a property is over 10 acres and the plan includes at least 40 units.*
- G. A statement as to how the proposed area, and/or its potential land use will contribute to the achievement of the goals and policies of the Midway City General Plan and the Midway City Vision: *The developer does plan to require Swiss/old European architectural elements in the PUD which will help promote the atmosphere in Midway and desired by the General Plan. Also please see the attached letter from Paul Berg on this item.*
- H. Assessed valuation of properties within the annexation area: *please see the chart presented earlier in this report.*
- I. Potential demands for various municipal services and the need for land use regulation in the area, e.g. consideration of the distance from the existing utility lines, special requirements for sensitive land review and fire protection in wildfire or wild land areas, location within hazardous soils area, and feasibility of snow removal from public streets: *if the property is annexed the City will be required to provide services to the area. Office staff in the various City departments will spend time working on the development and with the residents in the annexed area. This includes land use applications, building permits, and utility payments. Also the City will remove snow from any public streets and will maintain the roads and water lines in the area. All of these services cost the City money and though property taxes from the new residents will help offset that cost the City will need to have some commercial development and the sales taxes collected from the sales generated to help offset those new costs. That is assuming that the new growth will help increase sales in Midway by increasing activity in the current Midway stores or will help new businesses establish in Midway. It is unknown what the impact of the new homes will have but we do know the City's cost will increase because of the new growth. The City does have water lines in the immediate area of the annexation and other utilities are located nearby.*
- J. The effect the annexation will have upon City boundaries and whether the annexation will ultimately create potential for future islands, undesirable boundaries, and difficult service areas: *the annexation will increase the City's boundaries. Currently the proposed annexation area is a peninsula that juts into the City, by annexing the area the City boundary will feel more "normal". It is staff's experience that many people and residents already assume the area is part of the City.*
- K. A proposed timetable for extending municipal services to the area and recommendation on how the cost thereof will be paid: *City services are up to the boundary of the annexation. The developer will need to build the infrastructure within the annexation*

area for the development so the city will incur no development cost, only maintenance cost, once that infrastructure is approved by the City. Also please see the attached letter from Paul Berg on this item.

- L. Comparison of potential revenue from the annexed properties with the cost of providing services thereto: *It appears the development will be similar to the contiguous Valais development so tax generation will be similar. Generally residential development does not pay enough in taxes to cover the cost of the services provided by the City. In very general terms, and as described in the City's General Plan, for every dollar the City collects from a residence the City pays \$1.16 to provide services. This is why commercial growth is important for the City which helps offset this unbalanced revenue versus cost. This subdivision does have two items that will make it less costly for the City. The first is some of the roads in the development will be private and therefore the City will not maintain nor remove snow from those roads. Second, many of the homes will most likely be second homes and therefore the tax generation will be double compared to the homes that are primary residences. It is possible that this development may generate enough taxes to cover the cost of the City provided services. Also please see the attached letter from Paul Berg on this item.*
- M. An estimate of the tax consequences and other potential economic impacts to residents of the area to be annexed: *It is estimated that the taxes for the Gerstsh property will increase by about \$290 a year and the taxes from the LDS church property will increase by about \$270 per year. Also please see the attached letter from Paul Berg on this item.*
- N. Recommendations or comments of other local government jurisdictions regarding the annexation proposal and the potential impact of the annexation on the general county economic needs, goals, or objectives: *no government jurisdiction or agency has objected to the proposed annexation. The City held a review meeting and invited all potentially impacted jurisdictions, agencies and utilities and no major concerns were identified in that meeting.*
- O. Location and description of any historic or cultural resources: *the property does contain some wetlands that will not be disturbed through the development process. The wetlands will become part of the open space for the development and will be preserved. There are two pot rock mound geologic features on the property. These will be left undisturbed, as required by the sensitive lands section of the code, and will be preserved in the open space area the development.*

Additional Items of consideration

- The City gains control over zoning once an area is annexed. This helps the city assure that uses on the property will be in harmony with the General Plan. If the City does not annex a parcel then the owners may develop in the County using the County's land use code or another city may annex the property. In this case the Town of Interlaken will most likely incorporate soon and it is possible that Interlaken could annex the property at hand if the City does not annex it.

- Road connectivity of the entire area should be considered with the petition. Neighboring land owners and residents of Interlaken have contacted staff regarding access issues. It appears the proposed plan will fulfill the needs of the entire area regarding connectivity.
- The most recent applicants for annexation to Midway have contributed to the parks fund. Staff is proposing that with this annexation the applicant, as part of the development of the property, connect and finish the Burgi Lane Trail that covers part of the annexation area. This would connect the existing trail in the Canyon View PUD to the bike lane that fronts Valais. This connection will help complete the trail system in the area and will be a direct benefit to the new residents in the annexation area.
- The resort tax will be impacted by adding more homes to Midway. It has been determined that by 2020 the City will lose the ability to collect the resort tax the City now enjoys. The ability to collect this tax is based on the ratio of permanent residences compared to transient rental rooms. Each year the City has more growth of residences than transient rooms. Annexing an area that will contain potentially 100+ new residences will help offset the current ratio even more. It may be true that nothing can be done to stop the City from losing this tax, but adding more residences into the City limits will not help the issue at hand. This item should be considered for this annexation and any future annexation.
- Canyon View Road and Burgi Lane intersection will need to be adjusted to comply with engineering/safety requirements. The current intersection does not comply with current standards for two reasons. The first is because of its offset to Magpie Circle located on the south side of Burgi Lane. Because Burgi Lane is classified as a collector road, the offset on the intersection must be 10' or less or 300' or more to create a safe intersection. By adding up to 1000+ trips per day on this road the intersection must be made safer.

POSSIBLE FINDINGS:

- The City will gain control over land use and zoning if the area is annexed.
- The proposal is a legislative action.
- The proposal will increase density and traffic to the area was developed.
- Permanent open space will be created in the area if the developer develops the land as proposed.
- The roads in the annexation will create a better secondary access to Interlaken which is important for emergency situations and for better connectivity.

PROPOSED CONDITIONS:

1. There are two paved entrances to the development and every unit in the development has two access routes unless located on a road that is less than 500' in length.
 2. A road is paved to the west boundary of the property that will fulfill the requirement of a connecting road to Pine Canyon Road as shown on the City's Master Road Plan.
 3. The Burgi Lane intersection adjustment will be a requirement during the subdivision approval process.
- Paul Berg has been working with Valais with public use and landscaping. They would like their trail that would be put in this subdivision to connect it to the Valais trail, even though Valais trail is private. You'd be able to get from Pine Canyon Road all the way to City Park through Valais and their future trail though it can't be a dedicated public trail because Valais is private. Valais hasn't given any indication that they are going to have a gate you would have a password to walk their trail. Although we are working hard to align this and to then have this second access through Valais. I just want to make it clear that those agreements have not been completed yet they are just under discussion and negotiation and this point.
 - Commissioners asked about the future of Canyon View Road. In the future this road has the potential of having high density traffic, does this road have right of ways on either side so it can be widened if it does become a collector road, is that considered as one of the considerations?
 - City Engineer: No, it isn't considered. I don't ever see a time if that was to connect onto Interlaken and use all of Interlaken, a local road would still have the capacity to address that.
 - Commissioners had a question about the LDS church's property; they are going to pick up several hundred square feet between your property and the other side of Canyon View Road.
 - Paul Berg: It's basically a 27,000 square feet land swap.
 - Commissioners had a question about the two different colored building pads, one is yellow and one is red.
 - Paul Berg: The yellow building pad is 78'X 55' and is allowed to have a covered walk out deck on the first or second level, and the red building pad is 68'X 55'.
 - Commissioners asked: Will this development be built in phases, if so how many homes at one time will be built?
 - Paul Berg: The appropriate phase would be about 20.
 - Commissioners asked: Will there be any provisions for outdoor recreation for this development?
 - Paul Berg: We have proposed this trail which will be a public trail at least until it hits the Valais property line. We also have proposed a trail that's not in the

Canyon View right of way, but right adjacent to it. For the development itself we have planned for a tennis court, pickle ball, basketball court, and a club house.

- Commissioners asked Paul to discuss the plans for the large open space area that is part of this development.
 - Paul Berg: It largely is going to remain as is with the exception of a trail. The wet lands will be preserved and there has been some discussion of allowing some horses on the property.
- Commissioners asked Planner Henke if the concept subdivision that is being presented for this land to be annexed into the City if the development that has been presented has to be kept the same or if it can change once the annexation has been approved.
 - City Engineer: You really do want to tie a layout down to an annexation, otherwise you will see they can switch. Now, they will come through a development entitlement process. Some people have allowed an annexation without it being tied to some sort of a layout and once the property was annexed in then they come back and say ok now here is what we are going to do with it. This didn't happen here, but in another community.
- Commissioners asked: Can that be done?
 - City Engineer: Yes, unless you say we are annexing and it's based on a layout that appears similar to this.
- Planner Henke stated, that whatever plan they have they'll have to have 50% open space for a planned unit development.
- Commissioners discussed taxes planning to 2020 when we run out of our resort tax index we will have to adjust taxes up.
 - Planner Henke: Mostly likely we would have to make up those lost taxes in one way or another, that's correct. There's a couple of things we could look at, one way is to promote more commercial growth for instance that would help bring up our sales tax which has a big impact on us. Another thing is to possibly raise property tax and nobody likes to have raised property tax, but it is actually a very, very small percentage change would cover the gap. We would have to go through public process in order for council to approve a tax increase.
- Chairman Oksner asked if there is any public comment before we close discussion.
 - No public comment
- Chairman Oksner closed, commission discussion, staff discussion, and public discussion. I suggest if anybody has a motion to propose we do it at this time.

Motion: Commissioner Ream recommends approving the annexation with the proposed conditions that are stated here plus the two others, the one for the trail connection in front of the LDS church property and the trail in front of Canyon View Phase 2. Also generally conforming to the proposed development that has been presented here tonight. Adopt the findings of Staff and accept the report and that Burgi Lane intersection adjustment that it is kind of a warning flag and it needs to be resolved and the developer needs to be aware of that for the proposed petitioner. The trail on Canyon View Phase 2 and the tie in of the access road to the proposed

Canyon View Drive/Road. If this property is annexed it would be consider to be in the RA-1-43 zone.

Seconded: Commissioner Waldrip

Votes: Ayes: Commissioner Ream, Waldrip, Rather, Streeter, Kohler and O’Toole

Nays: None

Motion: Passed

- 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.

Planner Henke thanked Chairman

Planner Henke stated that 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 it can be determined if they are in harmony with that vision:

P = Permitted

C = Conditional

N = Not allowed

USES	C-2	C-3
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.

Previously staff proposed that storage units have a 100’ setback. This will allow other businesses or dwellings to be located in front of the storage units. Other uses may work well with these setbacks also and should be a consideration when reviewing the listed uses. All uses will still need to comply with architectural requirements as listed in the code but they will not be located in the most visible and valuable frontage area of lots that are so important to creating a vibrant and active commercial area.

Regarding storage units, staff is proposing the following text be added as Section 16.13.46 of Supplementary Requirements in Zones.

Section 16.13.46 Warehousing and Mini-Storage Units

- A. All warehousing and mini-storage units shall have a setback of 100’ from any public road.**
- B. Warehousing and mini-storage units shall be built concurrently or after commercial or residential uses located in the 100’ setback area on the same property.**

Part B. requires that storage units be built concurrently or after commercial or residential uses are built in the 100' setback area so that the City does not have the situation where storage units are built first and the City is left with large open areas void of development in the commercial zone.

Planner Henke stated the following analysis of the property

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.

Motion: Commissioner Streeter made a motion that we continue the discussion of the C-2 and C-3 zone on item 6 until our next Planning Commission meeting.

Seconded: Commissioner Waldrip

Votes: Ayes: Commissioner Waldrip, Streeter, O'Toole, Kohler, Rather, Ream

Nays: None

Motion: Continue this until our next meeting

ADJOURNMENT

Motion: Commissioner O'Toole made a motion to adjourn the meeting

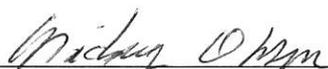
Seconded: Commissioner Waldrip

Votes: Ayes: Commissioner Waldrip, Streeter, O'Toole, Kohler, Rather, Ream

Nays: None

Motion: Passed

Adjourn: 9:51pm



Mickey Oksner, Chairman



Lindy Rodabough, Administrative Assistant