

Minutes of the Midway City Planning Commission

**Wednesday, 17 July 2013, 7:00 p.m.
Midway Community Center
160 West Main Street, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, The Store Express, the Midway City Office Building, and the Midway Community Center. The public notice/agenda was published on the Utah State Public Notice Website and a copy sent to The Wasatch Wave.

Attendance:

Kent Kohler – Chairman
Mickey Oksner – Co-Chairman
Karl Dodge
James Kohler
John Rather

Staff:

Michael Henke – City Planner
Sandy Norskog – Assistant Planner
Jennifer Sweat – Administrative

Excused:

Stu Waldrip

6:55 P.M. Work/Briefing Meeting

Planner Henke gave the City Council Liaison Report, no action was taken and the public was welcome to attend.

7:02 P.M. Regular Meeting

Call to Order

Chairman Kohler opened the meeting and welcomed the commissioners, staff and public. Invocation was given by Commissioner Rather. Chairman Kohler led the Pledge of Allegiance.

By way of information Commissioner Stu Waldrip will not be at the meeting and has been excused.

Regular Business

1. Review and possibly approve the Planning Commission Minutes of June 19, 2013

Motion: Commissioner Karl Dodge made the motion to approve the Planning Commission Minutes of June 19, 2013 with the correction on Item number 2, to include Commissioner J. Kohler as a vote reflecting “Aye”.

Chairman Kohler asked if there were any other discussions on the motion?

No further discussion were needed

Seconded: Commissioner Oksner seconded the motion.

Votes: Ayes: Commissioner J. Kohler, Commissioner Rather & Chairman Kohler.

Nays: None

Motion: Passed

2. Paul Berg, agent for Russ Watts, is requesting Preliminary Approval for Phase IX (9) of the Valais Planned Unit Development. The proposal is located on Provence Way and is in the RA-1-43 zone.

Planner Henke thanked Chairman Kohler and members of the commission.

Planner Henke stated that this request was for preliminary approval of Phase IX (9) of the Valais PUD. This phase is located in the northeast area of the development and is bordered by the Interlaken Road on the East and the Zenger property on the north. The proposal contains 15 units. The units in Phase IX will be part of the Valais Home Owners Association (HOA) and will have access to the amenities provided by the HOA.

Planner Henke presented a power point presentation of the property.

(Note: A copy of the presentation is available in the supplemental file)

Planner Henke stated that the road in this phase will be private and maintained by the Valais HOA. There is a private 6' paved private trail that will connect to the trail in Phase VIII to the West and to the trail in Phase VI-B to the South trail. Planner Henke continued to explain that there are two 3-stall and one 5-stall visitor parking areas included in this phase. They are all located on the exterior side of the internal road running along Interlaken Road. With Phase IX, Chancey Lane connects Versailles Way and eliminates any previous concern about cul-de-sac length and access.

Planner Henke stated that the findings for this item were that the proposal does match the approved master plan, and the proposal does comply with the requirements of the land use code. Planner Henke also stated that possible recommended conditions for the applicant are to go before the water board and sewer district to receive approval for the proposed plan before the item is placed on the City Council agenda.

Planner Henke stated that Paul Berg was present if anyone had any questions for him or if Mr. Berg would like to make any comments regarding the application.

Mr. Berg stated that currently Valais leases water and has done so since the mid 90's and that he didn't feel they needed to go to Water Board again. However if the Water Board felt differently they could come before them again. This is also true with the Sewer District. An agreement had already been reached, but if Sewer District wanted to review it again they could do so.

Chairman Kohler asked if there were any further questions?

No further discussions were needed.

Motion: Commissioner Dodge made a motion to approve the Preliminary Approval for Phase IX of Valais Planned Unit Development and to accept staff's findings and recommended conditions.

Chairman Kohler asked if there were any other discussions on the motion?

No further discussions were needed.

Seconded: Commissioner J. Kohler seconded the motion.

Votes: Ayes: Chairman Kohler, Commissioner Oksner, Commissioner Rather

Nays: None

Passed

- 3. Leslie Mascaro, agent for Henry Walker Homes, is requesting a Plat Amendment to The Kantons of Midway Planned Unit Development. The amendment would adjust the location of some of the units in the plat and add a public trail easement among other changes. The development consists of 35 units and is located at the intersection of Homestead Drive and Augusta Drive in the R-1-15 zone.**

Planner Henke thanked Chairman Kohler and members of the commission.

Leslie Mascaro of Henry Walker Homes is proposing a plat amendment to The Kantons of Midway PUD located off of Homestead Drive and Augusta Drive just north of The Homestead. The recorded plat is composed of 34 building pads, public trails, and common area. The subdivision was approved on August 15, 2005 and was recorded shortly after that date. The plat was then amended and recorded on June 12, 2007. The proposed amendment will amend the amended plat. In 2007 three units were partially constructed and then abandoned for a several years. Those units were subsequently torn down a few years ago and the site has been vacant since then.

Planner Henke presented a power point presentation of the property.

(Note: A copy of the presentation is available in the supplemental file)

Basically, the purpose of the plat amendment is to change several of the locations of the building pads and to detach some of the attached units. The current plat has three detached dwellings while the proposed plat will have six detached dwellings. The proposed plat will also have 26 attached dwellings. These changes will require some infrastructure changes including the relocation of some water and sewer laterals. The developer is also proposing new floor plans and elevations.

Presently the subdivision is not fully constructed. There are a number of items that must be completed. Those include the construction of the trails, installation of lighting, and possible

expansion of the pavement for acceleration and deceleration lanes on Homestead Drive. The developer will need to post a bond for the needed improvements before the plat amendment will be recorded.

When the original development was approved the City did not require bonding for landscaping in PUDs. The current code does require a landscaping bond and the developer will need to submit a landscaping plan and will need to post a bond for those plans before the plat amendment will be recorded.

An added benefit to the plat amendment is the developer will record and build an 8' wide public trail along Homestead Drive. This trail is a key component to the City's Master Trail Plan that will be part of a connection from the State Park down to Main Street. This will help the community in general and also the resorts by allowing visitors to travel safely from the resorts to Main Street and the State Park properties.

This project falls within the Transient Rental Overlay District (TROD). This district allows property owners to rent their units on a nightly basis as long as specific requirements are met. Some of those requirements include receiving approval for a Conditional Use Permit, contracting with a City approved and licensed property management company, and receiving approval from common wall neighbors. The developer, who is the current owner of all the units, plans to record a notice that all units with common walls are approved for overnight rentals. Each future property owner in the PUD who wishes to rent on a nightly basis will need to apply for a Conditional Use Permit but will not need the common wall neighbor signoff because each owner will know, through the recorded documents, that each unit is allowed to rent as long as City requirements are met.

Once this item is forwarded to City Council, letters will be sent to all property owners within 600' of the subdivision and an on-site notice will be posted on the property advertising the public hearing.

The proposed plat amendment does not appear to have any major negative aspects associated with it.

Planner Henke stated that the following were possible findings for the motion: The proposed amendment does meet the vision of the General Plan for the R-1-15 zone. A public trail easement will be recorded and a public trail will be built that will be part of the City's master trail plan. A landscaping bond will be posted to help protect future residents of the development and no public street, right-of-way, or easement will be vacated or altered.

Commissioner Oksner had a question on the storm drain easements on the property?

Planner Henke stated they were already in place and showed the area where they were located on the plat map. There are ponds on site, and their engineers and our city engineer have also been working on them to make sure they meet our standards and will work for the area.

Commissioner Rather asked for clarification of where the property was located from the Homestead Resort.

Planner Henke stated that the property was located directly to the north of Homestead Resort.

Commissioner Dodge asked about the road going into the Homestead, is that a private road?

Planner Henke stated that it was a private road. When the plans were originally approved there were two roads coming in off of Homestead Drive. An agreement was reached with the Homestead for an easement to use the maintenance road for a second access.

Commissioner Dodge stated that was his next question was to make sure there was an easement with the Homestead.

Planner Henke stated that it was his understanding that the easement was reached and it was recorded with the plat a number of years ago, he believes that was in 2005. Planner Henke stated he could check into this if they would like.

Commissioner J. Kohler had a question regarding the outline shown for the units; does that reflect the building pad or the completed unit?

Planner Henke stated our ordinance requires that all the improvements must be completely in the building pad, including porches, decks, eave overhang, and window wells. He has spoken with the developer to make sure they are aware of this, and they have made sure the building pads are wide enough to comply.

Commissioner J. Kohler are there plans to relocate the laterals for water and sewer prior to construction?

Planner Henke stated that was correct. There are a number of laterals that will need to be moved. They will need to go to the sewer district for approval on these changes. Our engineer and their engineer have met and discussed these changes. They will need to bond for any items that are not completed in the subdivision. The subdivision is about 95% complete. The trail has not been built, and there needs to be lighting. Before the plat can be recorded, they will need to bond for those items, and then once that is done, the City Council can assign them as the developer and they can begin to make those improvements and begin to pull building permits.

A discussion was had regarding the trails in the subdivision, the locations of the trails, and where the master plan of the trails showed the location of the trails.

Chairman Kohler had a question regarding the landscaping bond. How long would that be bond be valid?

Planner Henke stated that there is no time limit on the bond until they move into the warranty period. Once that happens the bond is valid for one year.

Planner Henke stated that Leslie Mascaro, from Henry Walker Home, was present if anyone had any questions for her or if Ms. Mascaro would like to make any comments regarding the application.

Leslie Mascaro thanked Planner Henke for his presentation and stated that he had done an excellent job in presenting the project. Ms. Mascaro discussed their product type of homes, and expressed their excitement to provide the trails in the subdivision and to provide a great experience for the future homeowners. This was their first subdivision in Midway, and they are very excited to be here and bring their product type to Midway.

Chairman Kohler asked there were any further questions?

No further discussions were needed.

Motion: Commissioner James Kohler made a motion to approve the Plat Amendment to The Kantons of Midway Planned Unit Development with the proposed findings and conditions as stated in the Staff Report.

Chairman Kohler asked if there were any other discussions on the motion?

No further discussion was needed.

Seconded: Commissioner Oksner seconded the motion.

Votes: Ayes: Commissioner Dodge, Commissioner Rather, Chairman Kohler

Nays: None

Motion: Passed

4. Robert Duncan, is requesting a Conditional Use Permit for a Cottage Industry business license for Duncan Studios. He proposes to build a new accessory building on his property located at 645 North River Road. The property is located in the R-1-22 zone.

Planner Henke thanked Chairman Kohler.

Planner Henke stated that the applicant is requesting a Conditional Use Permit for a Cottage Industry in an accessory building where there is an existing residence in a residential zone. The proposal is to build an accessory building for Robert Duncan Studios that houses a small gallery/showroom, with a shipping room, office and warehouse in the rear of the building. The applicant currently has a studio and retail business located at 260 E. Main Street in Midway. That business is presently for sale. If the business sells, the applicant plans to move his family operation into the accessory building which would be located on the same parcel as his primary residence.

Planner Henke presented a power point presentation of the property.

(Note: A copy of the presentation is available in the supplemental file)

Planner Henke stated that normally there would be one or two family members or one non-family employee working at the business. The family wishes to keep their publishing business in Midway where they have lived and painted for approximately thirty-six years. They ship prints, calendars, etc., all over the world and believe that many people have come to know Midway through Mr. Duncan's artwork. The proposed building will be a red barn-style building with white trim. Mr. Duncan believes it will fit well with the rural atmosphere of North River Road, and compliment the Cheese Factory, the Downs' barn, the Kohler Farm and the Whitaker Farm.

Planner Henke stated that the applicant feels that the business will be conducted completely inside the building, is very quiet, and will only involve a daily visit by the UPS man and occasional customers. Mr. Duncan believes it will not create additional noise, dust, odors or lighting other than normal porch and door lights. There is an occasional car or two and he doesn't anticipate any traffic impact. Mr. Duncan feels that the use fits well with the General Plan and would contribute to the rural character of the community.

Planner Henke stated that according to Section 16.13.28 Cottage Industries of the Midway City Municipal Code states that a CUP for Cottage Industry may be approved by the City Council after a recommendation from the Planning Commission when in compliance with all of the conditions listed in the section. After a recommendation from the Planning Commission, a public hearing shall be held by the City Council in order to obtain comments from citizens and neighbors. If the CUP is approved, the applicant would apply for a Cottage Industry business license.

Planner Henke stated that the following were possible findings for the motion: The proposed use is a conditional use in the R-1-22 zone. The proposal does meet the vision for residential development the R-1-22 zone the General Plan. The proposed physical appearance, size and use of the accessory building and activities associated with a cottage industry are consistent with the objectives and characteristics of the R-1-22 zone.

Planner Henke also stated that the proposed conditions for this item would be they need to comply with all of the regulations of Title 16 LAND USE, Section 16.13.28 Cottage Industries of the Midway City Municipal Code. They would also need to apply for and obtain and Cottage Industry business license if the CUP is approved by the City Council.

Planner Henke stated that Mr. Robert Duncan was here this evening, and could answer any questions the commissioners may have, and also make any comments he would like to.

Mr. Duncan stated that they gallery would basically be the same as the building on Main Street. But it would be a much smaller gallery then what they now have. He explained the layout and the concept of the building. They do not expect much walk in business; mostly it will be used for their shipping of internet orders.

The commissioners had questions on the number of employees, street traffic, and lighting for the new structure.

Mr. Duncan stated that at the existing business they usually only have one employee, which is

his son, and that should be the same case in the new building. They do have a UPS pickup daily, but they do not expect heavy street traffic, and for lighting they are only planning on having a porch light, as they close at 5:00 p.m. there would be no need for parking lot lighting.

Chairman Kohler asked if there were any other questions?

No further questions were needed.

Motion: Commissioner Rather made a motion to approve the conditional use permit for a cottage industry business license for Duncan Studios located at 645 North River Road, with the proposed findings and conditions as stated in the Staff Report.

Chairman Kohler asked if there were any other discussions on the motion?

No further discussion was needed.

Seconded: Commissioner Dodge seconded the motion.

Votes: Ayes: Commissioner J. Kohler, Commissioner Oksner, And Chairman Kohler

Nays: None

Motion: Passed

- 5. Troy Gabler, agent for Fieldstone Homes is requesting a Preliminary/Final approval for Bowden Fields, a large scale subdivision that was originally approved by the City on March 14, 2007. The property is 7.85 acres and consists of 18 lots. The subdivision is located at 300 East Michie Lane and is in the R-1-11 zone.**

Planner Henke thanked Chairman Kohler

Planner Henke stated this request is for preliminary/final approval for the proposed project named Bowden Fields. The project consists of 18 lots on 7.85 acres. This project originally received final approval on March 14, 2007 by the City Council. The developer was successful in petitioning and receiving three one-year extensions of approval for the subdivision but in 2011 the entitlement of that approval was lost because the Municipal Code allows a maximum of three one-year extensions. Fieldstone Homes recently purchased the project and is now petitioning for the same approval that had been received in 2007. Historically if a subdivision has lost entitlement and the developer petitions for approval of the same plan, or a very similar plan, then the City has allowed a two meeting approval process instead of the normal five meeting approval process. Any new code requirements or construction standards will need to be met if a new approval is granted.

Planner Henke presented a power point presentation of the property.

(Note: A copy of the presentation is available in the supplemental file)

Planner Henke stated that the subdivision also has 1.41 acres of common area which will act as a buffer from Michie Lane. There is a private children's playground and picnic area included in this common area. A paved 8' wide public trail will be built by the developer along 300 S. and

will be placed in a 20' wide public trail easement. All the lots will connect to the City water line and will also connect to Midway Sanitation District's sewer line

The lots in the subdivision meet the requirements for the R-1-11 zone though some are less than 100' in width and are less than 11,000 square feet. The code allows each lot to be 15% less than the required amount for both frontage and acreage if there is 15% open space provided in the proposal.

The proposal includes a number of new streets. This includes part of 200 S, 300 E, and 270 S. The subdivision will create a new connection from 300 S. to 200 S. which will be extended east from the current stub just north of the LDS church on 200 S. This connection will benefit road connectivity in this area of town. The developer will construct a 30' wide paved road built in the required 50' wide right-of-way. Also 4' wide sidewalks will be constructed along all streets which will leave a 4' wide park strip.

There is a private 8' detached paved public trail that will be built north of 300 S (Miche Lane). There will also be a 6' private trail that will connect 300 S., the neighborhood playground, and 270 S (Bowden Circle).

Minimum required lot size is reduced from 11,000 square feet to 9,318 square feet, in conjunction with the 15% open space that has been provided. This provision is outlined in the subdivision ordinance.

Michie Lane will need to be widened in conjunction with the development of this project. The City Transportation Master Plan has classified this street as a "collector", which requires 72 feet of right-of-way and 48 feet of pavement. The owner is proposing to dedicate a 36-foot wide strip to the City along Michie Lane. The proposed temporary cul-de-sac at the end of 200 South is 60 feet in diameter, which meets minimum AASHTO standards. Once property is developed to the east of this cul-de-sac the future developer of that land will remove the temporary cul-de-sac and extend the road to the east.

Currently the ordinance requires 15% open space. After the dedication of Michie Lane the required amount is 1.1 acres. The developer is proposing open space in lot A at 1.06 acres, lot B at 0.14 of an acre, and lot C at 0.21 of an acre. The total of these three lots equals 1.41 acres. A landscaping plan and bond will need to be submitted and approved before the plat is recorded. The HOA will be responsible for the maintenance of the common areas. It is possible that the owner will deed the area of lot C to property owners to the north. This area would be better used and easier to maintain if it is part of a development to the north because it is contiguous. The developer will still meet the required open space requirements with lot A and Lot B.

Planner Henke stated that possible findings were that the proposal does meet the requirements for the R-1-11 zone, and does seem to comply with the vision as stated in the General Plan for the area. Planner Henke stated also recommended the following conditions: the Water Board must review and make a recommendation regarding water usage before this item will be heard before City Council; the sewer district must approve the proposed plans before the item is heard before City Council; and a landscaping plan must be submitted for the common area and a landscaping bond must be established before the plat can be recorded.

Planner Henke stated that Mr. Troy Gabler from Fieldstone Homes was present and would be able to answer any questions or add to what was already presented.

Mr. Gabler thanked Planner Henke. He stated that they do not currently own the property, but wanted to make sure it was possible to get approvals before they move forward with the project. Planner Henke has done a great job in explaining what they want to do. He is still working with the adjacent land owner to the North to give them that common area; he thinks they will take it, because it would be better for the adjacent land owner if they develop. He also needs to work on a landscaping plan.

Mr. Gabler did want to mention, and would need to work with Planner Henke on this, that the way these lots are designed, with the required thirty (30) foot front setback, and thirty (30) foot rear setback, he feels the building envelope is smaller. He may need to slide 300 East over three (3) or four (4) feet one way or another to try and get more buildable lots, with larger floor plans. Is this something that can be done?

Planner Henke stated that he had spoken with the City Engineer, and he doesn't feel that would be a problem, and we would still make sure that each lot meets the land use code in regards to the frontage and acreage. We look at it as a minor change.

Commissioner Oksner asked how large the dwellings are going to be?

Mr. Gabler stated that right now the one stories would be around 1680 square feet with a full basement and the two stories would be just under 2200 square feet.

Commissioner Oksner stated that the reason he is ask is because of affordable housing. Would this subdivision be required to provide affordable housing?

Planner Henke stated that currently the City Council has enacted a notice of pending ordinance change regarding affordable housing. The current ordinance would require 1.8 units meet the standards for affordable housing. But because of the pending ordinance change the developer will need to meet the requirements of any changes to the ordinance once it is finalized.

A discussion was had regarding the trails in the subdivision, the locations of the trails, and where the master plan of the trails showed the location of the trails. They also discussed basements feasibility, as well as berming, fencing and snow removal for the property.

Chairman Kohler asked if there were any other questions?

No further questions were needed.

Motion: Commissioner Dodge made a motion to recommend approval for the Preliminary/Final application for Bowden Fields subdivision, with the proposed findings and conditions as stated in the Staff Report.

Chairman Kohler asked if there were any other discussions on the motion?

No further discussion was needed.

Seconded: Commissioner Oksner

Votes: Ayes: Commissioner J. Kohler, Commissioner Rather and Chairman Kohler.

Nays: None

Motion: Passed

No other items were on the agenda for the evening.

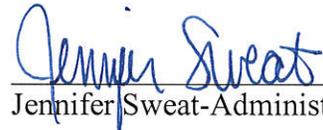
Chairman Kohler asked for motion to adjourn

Commissioner Oksner moved for adjournment @ 8:27 p.m.

Motion Accepted.



Kent Kohler - Chairman



Jennifer Sweat-Administrative Assistant