

**Midway City Planning Commission Regular Meeting
August 20, 2014**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., August 20, 2014, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance:

Mickey Oksner – Chairman
Natalie Streeter
Jim Kohler
Steve Nichols

Staff:

Michael Henke –City Planner
Jennifer Sweat – Admin Assistant

Excused

Stu Waldrip
Chip Maxfield
John Rather

Alternate Members Excused

William Ream
Nancy O’Toole

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.

7:00 P.M. Regular Meeting

Call to Order

Chairman Oksner welcomed commissioners, staff and public. Chairman Oksner led the Pledge of Allegiance.

Regular Business

1. Review and possibly approve the Planning Commission Minutes of July 16, 2014

Motion: Commissioner Nichols made a motion to accept the Planning Commission Minutes of July 16, 2014 with the correction on page six (6), 1st bullet point paragraph add “development” in the sentence “In a worst case scenario the City would allow residential....”.

Seconded: Commissioner Streeter seconded the motion.

Votes: Ayes: Commissioner Kohler

Nays: None

Motion: Passed

2. Carl Berg, agent for LeeRoy Farrell, is requesting Final Approval for the Killowen Village Subdivision, phase two (2). The proposal is for two (2) lots and is on 1.32 acres of land. It is located at 305 West 500 South and is in the R-1-22 zone.

Planner Henke thanked the Chairman Oksner, Planning Commissioners, and welcomed the public and staff in attendance.

Planner Henke stated that this request is for final approval of Killowen Village Phase two (2). This phase consists of two lots (lot four (4) and five (5)) and covers an area of 1.32 acres. Currently the developer's home is located on what will be lot four (4). Lot five (5) is currently used for agriculture. The two lots proposed in this phase will obtain frontage along 500 South.

Planner Henke explained that the property is located in an R-1-22 zoning district and the lots comply with the minimum requirements of frontage, width and acreage for a lot in this zone.

Planner Henke gave a power point presentation of the property

LAND USE SUMMARY:

- 1.32 acre parcel
- R-1-22 zoning
- Proposal contains 2 lots (.5 and .79 of an acre)
- Proposal is phase 2 of a three phase development
- The lots will connect to the Midway Sanitation District sewer and the City's water line.

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

Planner Henke stated that the following was his analysis of the property:

Roads –The proposal is to dedicate the property located in the right-of-way of 500 S. to the City.

Trails – The City's master trail plan does have an 8' paved public trail planned for 500 S. The trail will be located in a 10' wide public trail easement. The developer will be responsible for the dedication of the easement for that trail and the City will build a trail at a future date. A note will also be placed on the plat that will inform future lot owners of the future trail and the possibility that landscaping and other improvements may need to be removed when that trail is constructed.

Water Connection – The lots will connect to the City's water line located in 500 S.

Sewer Connection – The lots will connect to Midway Sanitation District's line located under 250 W. through an utility easement that will be recorded across phase three.

Driveway Access – Lot 4 and 5 will access 500 South directly and a note will be placed on the plat requiring a turnaround so that vehicles will not back out onto 500 S.

Fencing – Currently there are agricultural activities on the property to the west. Along with those agricultural activities comes infrastructure related to farm machinery such as above ground gas tanks that could be a safety issue for children in the new subdivision. Though the development

code does not require a fencing plan for subdivisions a fence should be considered to separate the two distinct uses. The developer is proposing to install an agriculture field fence.

The commissioners asked about the fencing and Planner Henke stated that he had spoken with the developer and the adjoining property owner and they had come to an agreement to do a field fence. The commissioners discussed perhaps doing a split rail fence, or something more aesthically pleasing, however Planner Henke stated that there is nothing in the code that even requires the developer to place the fence between the properties, and that he felt that the fencing would be fine as it was proposed, as both parties had agreed upon it, and again the City couldn't require the fence. The commissioners understood this, and felt this was a good compromise.

Commissioner Streeter thought that it might be good to have gravel placed in the area of the public trail easement. She thought it would make the area look better until the City get's ready to put in the public trail. The applicant, LeeRoy Farrell stated that would not be a problem to do this, but did ask to place the gravel after construction of the home. This was agreeable to the commissioners.

Chairman Oksner asked if there was any other questions regarding this item?

No other discussion was needed.

Motion: Commissioner Nichols made a motion to recommend final approval for Killowen Village Subdivision, Phase two (2). He also moved to accept staff findings and conditions, with the additional condition that after construction of the home that gravel will be placed temporarily in place of the public trail easement.

Seconded: Commissioner Kohler seconded the motion.

Votes: Ayes: Commissioner Streeter

Nays: None

Motion: Passed

3. Sarah Provost, is requesting a Conditional Use Permit for a Cottage Industry pet grooming business and will be called Alpenhund Pet Grooming. Her home is located at 55 S. Center Street and is in the C-2 zone.

Planner Henke stated that this request was for a Conditional Use Permit (CUP) by Sarah Provost for a cottage industry that would allow the applicant to groom pets in her home. Her property is located at 55 South Center Street and is located in the C-2 zone. The proposed use is allowed as a Conditional Use under the Cottage Industry Ordinance.

Planner Henke gave a power point presentation:

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

Planner Henke explained that the applicant would like the ability to have clients visit her home so that she can run her pet grooming business. She expects that she will have no more than five clients per day on the two days per week that she is open. She does not plan to modify her home in anyway (though she will need to pass building inspection) and no signage is proposed at this time. The greatest number of client vehicles that is anticipated to be parked at her residence at anytime is one or two vehicles. She does have any area of off street parking that can be painted if

needed on an existing concrete pad. There is also an area in front of her home where most clients could park that is on-street. The applicant has indicated that the pets will never be outside of her home at any time except for on arrival or departure, but there will be no outside kenneling of any animals that are not her own. She has also indicated she will not groom animals over 50lbs and she will be the only employee.

Planner Henke stated that the following was his analysis of the property:

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 have a significant impact on the neighborhood because the volume of traffic and clientele will be very low and there will be no advertising.. 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; *no issues have been identified*
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 has applied for the 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; *No issues have been identified.*
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 residence though it will be only a minor increase. It is the opinion of staff that the added traffic will not have a significant impact on the neighborhood.*
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; *no issues have been identified.*

Planner Henke presented the following findings for the application:

- The proposed use is a conditional use in the C-2 zone.
- The proposal will increase traffic to the residence.

Planner Henke presented the following conditions for the application:

- Any increase in the amount of clients over 50 in a period of a month will require the Conditional Use Permit be reevaluated and approved by the City Council.

The commissioners had a discussion regarding the application, and the information presented by Planner Henke. They asked the applicant why the limitation on the weight of dog?

Sarah Provost, applicant stated that it was really because 50 lbs. was as much as she could handle on her own, and she didn't want to have to hire employees etc. She felt that the business would really be low impact. The commissioners felt this would be the case as well, and really didn't see any problems with allowing it.

Chairman Oksner asked if there was any other questions regarding this item?

No other discussion was needed.

Motion: Commissioner Jim Kohler recommend approval of a Conditional Use Permit for a Cottage Industry pet grooming business which will be called Alpenhund Pet Grooming. He also moved to accept staff findings and conditions.

Seconded: Commissioner Streeter seconded the motion.

Votes: Ayes: Commissioner Nichols

Nays: None

Motion: Passed

4. Scott and Karee Cannon, is requesting a Conditional Use Permit for Transient Rental of their property located at 285 Burnts Field Road in Midway Village. The property is located in the R-1-22 zone.

Planner Henke stated that Midway Village PUD II is located in the R-1-15/R-1-22 zones within the Transient Rental Overlay District (TROD) but outside the Resort Zone. Therefore, a Conditional Use Permit is required prior to applying for a Transient Rental Unit License. The applicants are currently constructing a dwelling on lot 36 in Midway Village and seeking approval to rent their home on a short term basis (30 days or less). They plan to comply with all the requirements as listed in the code which includes that they contract with a City licensed property management company provide off-street parking, obey occupancy limits, among other requirements. The Canons will need to comply with all City requirements in order for the City to approve the Transient Rental Unit License. A conditional use permit is required to inform the neighbors of the proposed use. Letters will be sent out to all property owners within 600' of the parcel that will invite them to comment to the City and to invite them to the public hearing that

will be held at a future date before the City Council.

Planner Henke gave a power point presentation:

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

Planner Henke stated that this development, with regards to transient rental units, has a unique history. When the project was approved the developer and the City signed a development agreement that limited the number of rentable units in the PUD to 10. Eight of those units were assigned as rentable and then there were two units that could be assigned to any unit as rentable. The rentable units are 7, 16, 20, 21, 22, 23, 24 and 25. Mr. Cannon is currently working with the powers that be within the PUD to have his unit assigned as rentable.

Planner Henke stated that there are several benefits the City receives from transient rental units. One benefit to the City is all owners of transient rental units pay a transient rental tax. This money is a benefit to the City and to residents of the City. Another benefit is the resort tax the City collects. Few cities in Utah qualify to be able to gather this tax because the requirement is the ratio of nightly rental rooms and units compared to units and dwellings that are not rented. If the percentage of rental units compared to non-rental units is high enough then the City can continue to collect the resort tax which equals about \$350,000 each year and could easily be 450,000 by 2020 when the State will next review to see if the City still qualifies.

Planner Henke stated that the following was his 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 have a significant impact on the neighborhood. Also, staff has analyzed the proposal and it appears that it will comply with the provisions of the Code.*
2. The proposed use is consistent with the General Plan; *no issues have been identified.*
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 applicant is required to apply and receive approval of a transient Rental License before they will be allowed to rent the unit. This license requires them to register with the State for tax purposes, have their unit inspected by the building inspector, fire marshal, and health inspector, and contract with a City licensed property manager.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *no issues have been identified.*
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 and associated traffic is consistent with the adjacent units and the neighborhood.*

6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the proposal is suitable based on the proposed use.*
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; *no detrimental impacts have been identified.*

Planner Henke presented the following findings for the application:

- The proposed use is a conditional use in the R-1-22 zone and is located in the Transient Rental Overlay Zone.
- The proposal does meet the vision for residential development the R-1-22 zone within the TROD in the General Plan.

Mr. Cannon stated that the problem is that the development agreement between the developer and the City stated that a total of ten (10) lots were able to be used for nightly rental. He said that the agreement states that of those ten (10), eight (8) are specifically designated, and there are two (2) lots that are basically floating.

Commissioners debated if the agreement really means nightly rental and not just rentals, which could be more the 30 days or more. One homeowner had contacted Mr. Cannon and stated that they felt there already were the ten specific lots including long term rentals. Mr. Cannon stated that the development agreement wasn't listing those 10 lots including 30 days or more rentals. The ten (10) that were listed were for nightly rental only.

The commissioners asked for clarification of the development agreement if it stated "Rental" or "Nightly Rental". Mr. Cannon had a copy of the development agreement and it does specifically state "Nightly Rental". This gave better clarification of the development agreement, as well as a better understanding for the commissioners.

The commissioners discussed the PowerPoint presentation that Planner Henke presented, and felt that the application was warranted in being approved.

Chairman Oksner asked if there was any other questions regarding this item?

No other discussion was needed.

Motion: Commissioner Streeter made the motion to approval the Conditional Use Permit for Transient Rental of the property located at 285 Burnts Field Road. She also moved to accept staff findings and conditions

Seconded: Commissioner Kohler seconded the motion.

Votes: Ayes: Commissioner Nichols

Nays: None

Motion: Passed

5. Discussion of Street Cross Sections. This is a discussion item only, and no action will be taken.

Planner Henke stated that this was purely a discussion item only and that no action would be taken. This same item was discussed at a work meeting with City Council and Planning Commissioners last week on August 13th.

Planner Henke presented the following information regarding Street Cross Sections:

Cross section issues:

- Emergency Access
- Safety (park strip & sidewalk width)
- Traffic speed
- Circulation
- Aesthetics
- Cost

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

Planner Henke showed several different examples of widths of roads around the town, as well as over in Heber City and in Salt Lake City.

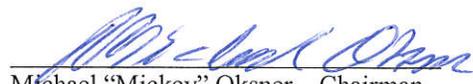
The commissioners discussed the different items that Planner Henke presented via PowerPoint. They felt that this should be discussed again at a later date perhaps with more commissioners attending. Planner Henke stated that if there was time to do so, we would. However it may go to City Council soon. Commissioners were fine with this, and felt that they had a good understanding of the street cross sections.

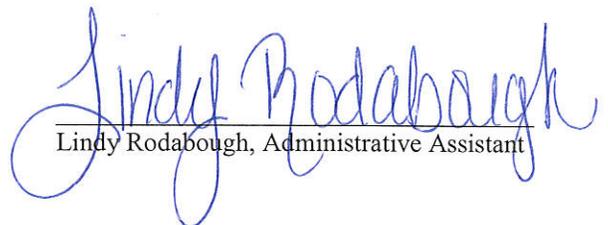
Chairman Oksner asked if there was any other questions regarding this item?

No other discussion was needed.

Chairman Oksner asked for adjournment

Commissioner Jim Kohler moved for adjournment at 9:10 p.m.


Michael "Mickey" Oksner – Chairman


Lindy Rodabough, Administrative Assistant