

Midway City Planning Commission Regular Meeting September 17, 2014

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

Attendance:

Mickey Oksner – Chairman
Stuart Waldrip – Co-Chairman
Nancy O’Toole
Steve Nichols
Jim Kohler
Natalie Streeter

Staff:

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

Excused

Bill Ream
John Rather
Chip Maxfield

6:55 P.M. Work/Briefing Meeting

Planner Henke gave the City Council Liaison Report. No action was taken and the public was welcomed 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 August 20, 2014

Commissioner Streeter suggested we state comments in italics represent Planning Staff comments one time only at the beginning.

Motion: Commissioner Nichols moved to accept the minutes as corrected by Commissioner Streeter.

Seconded: Commissioner Waldrip, Oksner

Votes: Ayes: Commissioner Waldrip, Streeter, and O’Toole

Nays: None

Motion: Passed

2. Paul Berg, agent for Eldon Wright Trust, is requesting Preliminary Approval for Eldon’s Place, a standard subdivision. The proposal is for five (5) lots located on 3.6

acres with an estimated .10 miles of new road. The subdivision is located at 50 West 970 South and is in the R-1-22 zone.

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

Planner Henke stated that this request is for preliminary 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 not be 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 it 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 power point presentation of the property

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

LAND USE SUMMARY:

- 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 gave the following analysis of the subdivision:

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.

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.

Planner Henke gave the following options as 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

ROAD: 970 S will be widened to the north to City Standards.

POWER POLES: The power poles will be moved/relocated further to the north. Heber Light and Power (HL&P) has talked about upgrading this transmission line all the way through the valley. Whoever comes first (the developer or HL&P) will be the one responsible for paying for the moving/relocating the power poles. If the developer is the one to move the poles he will be reimbursed/compensated all the impact fees for the roads within the subdivision (rough estimate of what the cost will be to move the poles). Before the developer starts construction he must post a bond and have a pre-construction meeting with staff including Wes (City Engineer).

TRAIL: There will be a trail (builder is responsible for this) added to this property connecting to the one in front of the LDS church and continuing to the North, Chairman Oksner asked for the new trail to be straight vs the one in front of the LDS which is curved.

DITCH: Commissioner Streeter had a question for Paul about the ditch. Paul Bergs reply: showing her the aerial photo described the ditch. The ditch is on 970 S cuts through property put in pipe run an easement along the lot line across the road and take it over to another lot line where it leaves the property and tie it back in. There is an existing pipe under Center Street.

Wright or Saddle Creek: Wes: As a part of Saddle Creek Ranch they show a 12” waterline connecting to a 12” waterline onto Center Street. Whoever comes first will be responsible for the install of the 12” waterline. The city will pay the difference from 8” to 12” through impact fees. Extension line agreement for the Soldier Hollow Mountain PUD they installed the 12” line existing agreement stipulates \$1,4036.61 reimbursement to the Soldier Hollow Project. Multiply that by five there is a \$7,183.05 reimbursement component that needs to be attached to this development also.

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

No other discussion was needed.

Motion: Commissioner Waldrip moved to recommend approval of the Eldon Wright Trust proposal for preliminary approval of the Eldon’s Place standard subdivision we accept the staff report that we find that the proposed lots meet the minimal requirements for the R-1-22 zoning district that the proposal meets the intent of the General Plan for the R-1-22 zone and that as conditions we attach to the motion that the Water Board must approve the proposal before it goes to the City Council and a development agreement accompany the recording of the plat.

Seconded: Commissioner Nichols

Votes: Ayes: Commissioner O’Toole, Waldrip, and Streeter

Nays: None

Motion: Passed

- 3. Paul Berg, agent for Ringo Ranch LLC, is requesting Preliminary/Final Approval for a small scale subdivision, Shelton Subdivision. The proposal is for one (1) lot located on .96 acres. The subdivision is located at 521 North Center Street and is in the R-1-15 zone.**

Planner Henke stated that this request is for preliminary/final approval of a small-scale subdivision on 0.96 of an acre. The one lot proposed in the subdivision will obtain frontage along Center Street. The property is located in an R-1-15 zoning district and the lot does comply with the minimum requirements of frontage, width and acreage for a lot in this zone. Currently there is a dwelling under construction on the property that is replacing an older home that was demolished earlier this year.

Planner Henke stated that the lot is being separated from a large agricultural parcel that is 4.89 acres in size. Because the agricultural parcel will not be a lot in the subdivision plat and the parcel does not qualify as a lot of record, the parcel will not be eligible for a dwelling building permit until it is approved as part of a subdivision and recorded on a subdivision plat either in its entirety or in lots. The developer will connect to the water main in Center Street and the sewer line that also runs along the road.

Planner Henke gave a power point presentation:

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

LAND USE SUMMARY:

- 0.96 acre site (separated from 4.89 acre agricultural parcel)
- R-1-15 zoning
- Proposal contains 1 lot
- The lot already has a connection to the Midway Sanitation District sewer line and the City's culinary water line
- A 10' wide trail easement along the frontage of the property will be deeded to the City

Planner Henke gave the following analysis of the subdivision:

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

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 10' wide public trail easement. The developer will be responsible for the dedication of the easement for that trail and the City will build the 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 lot is connected to the City’s water line located in Center Street.

Sewer Connection – The lot is connected to Midway Sanitations District’s line located in Center Street.

Agricultural parcel – The Shelton’s are subdividing the proposed lot from the family’s agricultural parcel. Because the agricultural parcel will not be a lot in the subdivision plat and the parcel does not qualify as a lot of record, the parcel will not be eligible for a dwelling building permit until it is approved as part of a subdivision and recorded on a subdivision plat either in its entirety or in lots.

Planner Henke presented the following findings for the application:

- The proposed lot meets the minimum requirements for the R-1-15 zoning district
- The proposal does meet the intent of the General Plan for the R-1-15 zoning district

The Commissioners discussed the reason for the subdividing of this one lot as opposed to a lot split. For loan purposes and financial issues to divide the one acre lot off of the larger lot.

The entire property is lot of record and has a building right and that is why there has always been a home on the property. If they had split it into two lots then the other lot would have a building right associated with it also and that is not their intention at the moment, because they want to keep it agricultural. They did not want to put in the utility improvements needed to make it a building lot. The agricultural piece cannot have any residential building permits unless it comes through with a subdivision plat and gets approved by the Planning Commission and the City Council. Once it is a recorded plat it would then be considered a lot at that point. The remaining agricultural property would then be considered a parcel. This proposal has been reviewed by the Sanitation District. A trail is planned for Center Street. The trail will not be built by the developer, but it will be built by the City at some future date using impact fee funds.

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

No other discussion was needed.

Motion: Commissioner Nichols moved that the Commission recommend approval of the Shelton Subdivision to the City Council with the findings as listed by staff that the proposed lot meets the minimum requirements for its zoning district and that the proposal does meet the intent of the General Plan with the condition that the Water Board must approve the proposed plans before the proposal is sent to the City Council.

Seconded: Commissioner Streeter

Votes: Ayes: Commissioner O’Toole, Streeter, and Waldrip

Nays: None

Motion: Passed

- 4. Paul Berg, agent for Jeannette Higginson Trust, is requesting an amendment to their Conditional Use Permit that was previously approved through Planning Commission on October 16, 2013 and City Council on November 13, 2013. The amendment would allow the use of aquaponics in their greenhouse. The property is located at 1150 South Center Street and is in the RA-1-43 zone.**

Chairman Oksner stated that item number 4 has been removed from the agenda and was pulled by the applicant.

- 5. Paul Berg, agent for Panda Properties, is requesting Preliminary/Final Approval for a small scale subdivision, Burgi Hill Subdivision. The proposal is for one (1) lot located on 1.7 acres. The subdivision is located at 1225 N. Interlaken Drive and is in the RA-1-43 zone.**

Planner Henke stated that this request is for preliminary/final approval of a small-scale subdivision on 1.7 acres. The one lot proposed in the subdivision will obtain frontage along Interlaken Drive. Interlaken Drive, at this point, is a private road and the applicant has provided easement documents that allow access to the property crossing the private road. The property is located in an RA-1-43 zoning district and the lot does comply with the minimum requirements of frontage, width and acreage for a lot in this zone.

Planner Henke stated that according to a chain of deeds for the property that was supplied to staff, the parcel in its current boundary description, was created in 2003. It did not receive any approvals from the City at that point in time so it is not eligible for a building permit unless it is approved by the City and a plat is recorded.

Planner Henke also explained that there are two easements that cross the property. The first is a Midway irrigation easement for a buried secondary water pipeline that crosses the center of the property from west to east. The second is an easement that runs across parts of the property on the north boundary line. A future dwelling on the property will need to not encroach on these easements.

Planner Henke gave a power point presentation:

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

LAND USE SUMMARY:

- 1.69 acre site
- RA-1-43 zoning
- Proposal contains 1 lot
- Frontage along Interlaken Drive (private)

- The lot will connect to the Midway Sanitation District sewer and the City's water line

Planner Henke gave the following analysis of the application:

Roads – The lot will front Interlaken Drive which is a private road that is maintained by the residents of Interlaken and the HOA of Burgi Hill Ranches. The applicant has supplied easement documents that allow access to the property crossing the private road.

Trails – There are no trails that are planned to cross this property though there is a planned trail that runs along the southern boundary of the property and a public trail easement has been dedicated to the City along the northern boundary of the Deer Ridge Estates plat.

Water Connection – The lot will connect to the City's water line located under Interlaken Drive.

Sewer Connection – The lot will connect to Midway Sanitations District's line located under Interlaken Drive.

Planner Henke presented the following findings for the application:

- The proposed lot meets the minimum requirements for the RA-1-43 zoning district
- The proposal does meet the intent of the General Plan for the RA-1-43 zoning district

The entire parcel is owned by one person, Chris Dunn.

The Sanitation District has approved the proposal. The proposal still needs to go before the Water Board so a determination can be made by the Water Board and a recommendation to City Council regarding how many shares of water they will have to turn over.

The property is zoned RA-1-43 and therefore can be used for agricultural purposes.

The Commissioners discussed if the City can require or would want to require that the home not be built between the two easements. If the City felt like there was a compelling reason that it shouldn't be built in that area then it's possible that the City could make a condition like that. Planner Henke hasn't seen any reason that they shouldn't be able to build on the north side of the property. Planner Henke doesn't see the road/easement being very feasible if someone wanted to pursue that. It's not a road planned by the City. Someone has recorded an easement on this property in 2003; it's probable that this easement may never be used. There is enough distance between the two easements that a home could be built in between the two easements. The seller of this property is making sure that this property is a buildable lot. As long as all the standards and setbacks are made then the potential property owner/home builder can build anywhere on this lot.

The Commissioners discussed what was involved in getting this easement removed. The only way to have it removed is to find the person that the easement was granted to and have them relinquish the easement.

Commissioner Waldrip commented and other commissioners agreed with him that the

property owner is entitled to use his property the best way he can even though it's awkward and unusual but if he can find a way to put a house on it that meets the minimum requirements and criteria that the building department and the other standards that the City has we should not try to put a greater impediment in his way than he has already got with this crazy and unusual lot.

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

No other discussion was needed.

Motion: Commissioner Nichols moved that the Commission recommend to the City Council approval of the Burgi Hill Subdivision with the findings indicated by staff that the proposed lot meets the minimum requirements for the zoning district and the proposal does meet the intent of the General Plan with the conditions that the Water Board must approve the proposed plan before its presented to the City Council.

Seconded: Commissioner Waldrip

Votes: Ayes: Commissioner O'Toole, Streeter, Waldrip, and Nichols

Nays: None

Motion: Passed

6. Discussion on Storage Unit code text amendment. This item is a discussion item only and no action will be taken.

Discussed an activity zone for Midway City's Main Street
Reviewed sections of Midway City's planning documents
~Vision statement, emphasis on aesthetically pleasing and walkable
~Midway City's Main Street Vision
~Main Street goals and objectives
Most cities have storage units zoned in industrial areas
Mixed uses in front of storage units

Waldrip and Nichols want to address this further and get it changed. Oksner wants to address other items that are allowed on C-2 and discuss it.

Planner Henke said that he could prepare a proposed code text amendment for the next meeting.

Planner Henke asked if there was any other questions regarding this item?

No other discussion was needed.

7. Open Meeting Training

Planner Henke gave a presentation on Open Meetings

Chairman Oksner asked for adjournment
Commissioner Waldrip moved for adjournment at 8:32pm



Jim Kohler, Commission Member



Lindy Rodabough, Administrative Assistant