

Minutes of the Midway City Planning Commission

Wednesday, 17 April 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
John Rather
Stu Waldrip
Karl Dodge
James Kohler
Angie Prince

Staff:

Michael Henke – City Planner
Sandy Norskog – Assistant Planner
Jennifer Sweat – Administrative Assistant
Brad Wilson - Recorder

Alternates

Chip Maxfield
Steve Nichols

7:00 P.M. Regular Meeting

Call to Order

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

Midway City Recorder Brad Wilson swore in the newest member of the Planning Commission Commissioner James Kohler.

Regular Business

1. Review and possibly approve the Planning Commission Minutes of March 20, 2013.

Motion: Commissioner Angie Prince made the motion to approve the Planning Commission Minutes of March 20, 2013.

Seconded: Commissioner Stu Waldrip seconded the motion.

Votes: Ayes: Commissioner Dodge, Commissioner J. Kohler, Chairman Kohler, Commissioner Oksner, Commissioner Rather.

Nays: None

Motion: Passed

2. Lee Roy Farrell is requesting Preliminary/Final Approval of a three-lot subdivision. The property is located at about 550 S. and 250 W. This proposal is located in the R-1-22 zone.

Planner Henke thanked Chairman Kohler and Planning Commissioners.

This request is for preliminary/final approval of a small-scale subdivision on 1.97 acres that will consist of three lots. There will be a 2.56 acre undevelopable agriculture/remnant parcel that will also be created with the recording of the subdivision. The total current acreage of the parcel is five acres. It is the plan of the owner to develop the remnant parcel at a later date, possibly with an additional 10-acres, owned by family members, located west of the parcel. The three lots proposed in the subdivision will obtain frontage along 250 W. Also 0.47 of an acre will be dedicated to the City for right-of-way for 250 W. The property is located in the 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 stated that the proposal is to dedicate the property located in the right-of-way of 250 W. to the City. The road will be widened at a future date when the remnant parcel is developed. This agreement will be memorialized in a development agreement between the owner and the developer. The City's Master Trail Plan does have an 8' paved public trail planned for 250 W. 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 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. The lots will connect to the City's water line located at 250 W. as well as connect to Midway Sanitations District's line located under 250 W.

Planner Henke stated all three lots may access 250 W. directly. If access to lots 2 & 3 is from the 50' access parcel that is located between the two lots, a separate access easement must be recorded that will be in place until the future road is built. This easement will be a separate document that will need to be recorded. This document should be recorded with the subdivision plat. The developer will need to bury the overhead power lines that front the property. This will take place when the owner develops the remnant parcel. This agreement will be memorialized in a development agreement between the owner and the developer.

Planner Henke stated the Farrell's are subdividing three lots from the family's agricultural parcel. It is the intent of the family to create more lots in the future as needed. 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. Also future road improvements for 250 W. and the burying of the power line will be a requirement before any more lots are created out of the remnant parcel. This agreement will be memorialized in a development agreement between the owner and developer. Currently a pressurized irrigation line crosses under the area of lot 3. This line will be relocated out of the area of the three lots so that the line does not interfere with future construction and is accessible in the irrigated areas around the lots.

Planner Henke presented a power point presentation of the property.

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

Commissioner Oksner asked regarding the trail, we already have a trail on Stringtown Road; do we need another trail on this road?

Planner Henke stated that according to our Master Trail Plan, we do have trails on both of those roads. There is a subdivision further down the road, Saddle Creek, and they too have a trail plan. We already have trails approved in the same area. We want to make sure that we have the easement, so that we can place the trail there at a later date.

Commissioner Rather asked where does the trail itself fall into the twenty foot easement?

Planner Henke stated it could meander in the twenty foot easement, or it could be a straight shot. Personal preference would be for it to be separate from the road, and not venture onto private property. Having it on private property could potentially cause conflict later.

Commissioner Rather asked why do you need an easement?

Planner Henke stated that it was important to have the easement because we do not know what will happen in the future. It is possible that the Farrell's would sell the property, and we want to make sure we have the easement in place.

Commissioner J. Kohler asked if the Trail Easement will affect setbacks.

Planner Henke stated that it would not affect the setbacks. The setback on this road is thirty feet from the property line. The house with or without the easement would have the same setbacks.

Commissioner Dodge stated you have a possible conditions that the development agreement must be recorded with the plat. Does that mean the agreement must be approved by City Council and it would incorporate all the items that are discussed this evening?

Planner Henke stated that would be correct, along with a letter from the city engineer with his recommendations.

Commissioner Prince asked when they expected to widen this road?

Planner Henke stated that was a good question. Our city engineer had another meeting this evening and so that is why he isn't present this evening. We did talk about requiring the road to be widened, but we felt that at this time, because it was a small section, the road would be torn up by construction. The power poles would need to be buried and the road would need to be widened at a later date with future development.

Commissioner Oksner asked if the trail could be added to next to the road, such as a bike lane with stripping.

Planner Henke stated that yes this is a possibility. However we would probably prefer that it is detached from the road, as it does seem safer. If that is what worked best for that area that is something that could be possibly done.

Planner Henke stated that the applicant is present and can answer any questions. One question he had was how do you exactly pronounce the name of the subdivision?

LeeRoy Farrell stated that the name of the subdivision was chosen because his father was born in Killowen Village, which is located in Ireland, and his wife and he were able to visit the village about five years ago. It is pronounced just like it is written, kill-o-wen.

The commissioners did not have any further questions at this time for the applicant.

Motion: Commissioner Dodge made a motion to approve the Preliminary/Final of a three-lot small scale subdivision. The property is located at about 550 S. and 250 W with proposed conditions, and findings. The proposed lots meet the minimum requirements and intent of the General Plan for the R-1-22 zoning district. The water board and sewer district must approve the proposed plans before the proposal will be placed on a City Council agenda and a Development Agreement must be recorded with the plat.

Chairman Kohler asked if there was any further discussion on the motion?

No further discussions were needed

Seconded: Commissioner J. Kohler seconded the motion.

Votes: Ayes: Commissioner Waldrip, Chairman Kohler, Commissioner Oksner, Commissioner Rather and Commissioner Prince.

Nays: None

Motion: Passed

3. Public Hearing for proposed changes to Chapter 16.21 Signs of the Midway City Municipal Code. The proposed code text amendment would modify, clarify or add certain responsibilities, definitions or regulations throughout Chapter 16.21, Signs of the Midway City Municipal Code; revise and replace existing Tables 16.21.A and 16.21.B in their entirety; and add section 16.21.12 Street Pole Banners to the Chapter.

Assistant Planner Norskog thanked Chairman Kohler and the Planning Commission.

The Planning Commission reviewed the proposed code text amendment at the March 20, 2013 meeting. During this meeting they suggested a number of changes and additions to the draft ordinance. The changes have been incorporated into a clean document. Previously underlined text and strikeouts have been removed. New language has been underlined, and newly stricken language has strikeouts for clarity. Tables 16.21.A and 16.21.B are being replaced entirely.

In Chapter 16.21 SIGNS the following were changed:

- 16.21.6: The title was changed from "Termination of Non-Conforming Signs" to "Non-Conforming Signs"
- 16.21.9: The title was changed from "Real Estate and For Sale Signs" to Real Estate For Sale, Rent, Lease and Open House Signs.

Section 16.21.4 Definitions (proposed) had the following changes:

- #15. Removed 'special sale' from Grand Opening Sign, Banner and Display definition
- #20. Inflatable sign; added 'inflatable signs are not permitted' to definition
- #23. Revised definition of Monument or Ground Sign
- #33. Clarified Real Estate Sign Language
- #42. Added 'detached' to temporary sale promotion signs or banners and struck reference to display time. It is now in the table notes

Section 16.21.7 Sign Regulations (proposed) had the following changes in the notes:

- 5. Revised definition and reference to Centers for consistency
- 7. Struck reference to portable A-frame type signs
- 8. Clarified language regarding location and maximum allowable number of portable A-frame signs, expressly where secondary adjoining frontage exists.
- 13. Added 'detached' to describe temporary sale promotion sign/banners and clarified seven (7) consecutive calendar days within each month of the year.
- 19. No signs permitted on utility poles
- 21. Struck reference to violation and added 26. Enforcement.
- 25. New note for removal of political signs within 72 hours after an election.
- 26. New note for enforcement of illegally placed signs on public (immediate removal) and private property (with sufficient notice)

Assistant Planner Norskog asked if the commissioners had any questions?

Commissioner Waldrip asked if the light poles are considered utility poles?

No they are City light poles, whereas the utility poles are not owned by Midway City.

Commissioner Waldrip stated in regards to number 26 legally speaking it would be better to say "reasonable" notice instead of "sufficient" notice. If this ever came before a Judge, they are more accustomed to hearing "reasonable" and know how to proceed accordingly.

Assistant Planner Norskog stated that was agreeable, and the change would be made to reflect the suggestion.

Assistant Planner Norskog continued with the changes that were proposed.

Section 16.21.8 Temporary Development Signs (proposed) had the following changes:

- 1. Clarified maximum thirty (32) square feet each sign
- 6. Changed subdivision to development

Assistant Planner Norskog stated that she had revised the entire Section 16.21.9 Real Estate For Sale, Rent, Lease, and Open House Signs.

- Size distinction between 'For Sale, Rent or Lease' signs on properties less than one (1) acre (four (4) sq. ft.), between one (1) and five (5) acres (twelve (12) sq. ft.), and over five (5) acres (twenty four (24) sq. ft.)
- Defined number of permitted Open House signs three (3) and size (eight sq. ft.)

The Commissioners had a discussion about the Open House signs, and if they wanted to have less than the proposed three (3) signs. There was discussion on whether it was necessary to distinguish between model homes vs. open houses. They also discussed if the code should list that placing "SOLD" on the sign was allowable. Commissioners also asked about the wording used in section 16.21.9, E. "sight view triangle". Some felt that it was saying the same thing twice.

Planner Henke stated that in the supplemental section of the code is "clear view of intersecting streets". It doesn't appear we are tied to that language, so we could make that change.

Assistant Planner Norskog stated those were items they would look at and take the suggestions into consideration when making the slight changes.

Commissioners also had a discussion in regards to temporary development signs, and if they should be allowed to be placed off-premise in any zone. The general discussion was that they are used for directional signs; much like the Open House signs may be used.

Assistant Planner Norskog discussed the changes made to Temporary Event Signs Section 16.21.11 and Street Pole Banners Section 16.21.12:

Temporary Event Signs Section 16.21.11

- Applies to on-premise private property and City Owned properties
- Reduced maximum size from thirty two (32) sq. ft. to twenty four (24) sq. ft.
- May be displayed no more than fourteen (14) days prior to the event

Street Pole Banners Section 16.21.12

- B. Changed eligibility reference from 'major sports celebrations' to 'organized sports events'.

Assistant Planner Norskog reviewed the revised tables 16.21.A and 16.21.B.

Prior to the meeting Planner Henke and Assistant Planner Norskog discussed 'Window Signs'. Currently the code has no limit to the number of window signs, but the size was rather restrictive. When they reviewed the signs displayed in windows, they had to acknowledge that the signs are larger than what is being recommended. So the question became "do we want an ordinance that isn't enforceable"? And the answer was no. The thought was to remove window sign completely, and let the business conduct their business without interference from the city. The City does not want to micro manage the business. The window signs have not been a problem up to this point.

Commissioners were agreeable to this revision, and had no objections to it.

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

Commissioner Oksner asked about any wording regarding search lights being permitted?

Planner Henke stated he didn't think it needed to be addressed; because of the dark sky ordinance and they had not been a problem in the past. If it does become a problem at a later date we can address it then.

Commissioners had further questions, discussion on making motion, tabling, if all questions had been answered.

Commissioners Dodge had a few minor questions on wordings that he would like to go through.

1. Page eight (8), number thirteen (13) he wonders if the word "consecutive" be removed and "each month" to "thirty (30) day period". **Planner Henke stated that the reason they picked each month is because it would be easier to enforce the code, and also he believes if we remove the word "consecutive" that will solve the thought of being able to miss use the code.**
2. Page eight (8), number twenty two (22) he feels we need to clarify the open house signs, in regards to the number of signs being able to have, which would also effect this section as well. So whatever is decided this needs to agree with that.
3. Page seven (7), number twenty four (24) he believes we need to add the word "permanent" behind the word "All", because it states decorative signs. **Assistant Norskog agreed, and would make that change.**
4. Page ten (10), number two (2), item G it states "designated sites set forth above or on private property" it should state below as that is where the locations are listed. **Assistant Planner Norskog stated that he was correct it should say below, that change would be made.**

Commissioner Waldrip questioned item section 16.21.11 Temporary Event Signs, item I., number three (3) and having the length of time being fourteen (14) days, which basically is two(2) weeks, when on page twelve (12) item G, number seven (7) banners are allowed for three weeks. He would like to have them match and have those both be three weeks. The purpose of the banners on the light poles is to call attention to the event that is happening. The off-premise Temporary Event sign has the same idea, and thinks they both should be three weeks. He would like everyone to consider it be three weeks versus two weeks. He sees these two being parallel.

Commissioner Waldrip also stated he would be abstaining for the vote because he is a Board Member for the High Valley Arts Foundation.

Chairman Kohler why do we have a seven (7) day difference?

Planner Henke stated that the reason there is a difference is because the on-site sign is to help people find the event. It is something we haven't allowed in the past, but now it is something we are allowing. Originally the code was for two days before the event, but it was changed to two weeks as a compromise.

Commissioner Waldrip stated that wanted to know if it was possible to deputize some volunteers to help with the enforcement of the code?

Planner Henke feels that he or Sandy should be the only individuals to enforce the ordinance. It is a delicate situation, and needs to be handled with tact and thought. Anyone can tell us about violations. He feels this code has some teeth in it to enforce it better than it has been in the past.

The Commissioner's felt most items to change were small, and felt they could instruct staff to make those changes. The big items are the open house signs, off site development signs, and the time frame for the temporary special events.

Commissioners thought that the best way to handle those items were to do straw polls for each one and majority rules.

Straw Polls:

1. In regards to the Open House Signs off-premises, currently the code states three (3) signs are allowed. The question is do we want three (3) or do we want two (2)?

Commissioner Dodge: Two
Commissioner J. Kohler: Two
Commissioner Waldrip: Two
Commissioner Oksner: Two
Commissioner Rather: Three
Commissioner Prince: Two

Section 16.21.9, item E will be changed to reflect two (2) eight (8) square foot off premises open house signs. Also it was agreed that if something different is requested it will need to go before the VAC Committee.

2. In regards to off-premise temporary development signs currently the code states they are not allowed in any zone. The question is do we want to allow any off-premise?

Commissioner Dodge: No
Commissioner J. Kohler: No
Commissioner Waldrip: No
Commissioner Oksner: No
Commissioner Rather: Yes
Commissioner Prince: No

Section 16.21.8, number eight (8) will remain the same as presented, No off-premise temporary development signs permitted in any zone.

3. In regards to the time frame for temporary event signs off-premises currently the code states fourteen(14) days prior to the event, however it has been suggested to match the Street Pole Banners, and allow for three (3) weeks prior to event.

Commissioner Dodge: Two Weeks
Commissioner J. Kohler: Two Weeks
Commissioner Waldrip: Abstained
Commissioner Oksner: Three Weeks
Commissioner Rather: Three Weeks
Commissioner Prince: Two Weeks

Section 16.21.11 item I, number three (3) will remain the same as presented, fourteen (14) days prior to event.

Chairman Kohler asked if the commissioners had any other questions at this time?

No further discussion was needed.

Motion: Commissioner Dodge made motion to approve the sign ordinance as amended by the planning commission, and according to the recommendations we have made here today and according to the three items we took straw polls, and typos changed by planning staff, and taking into account the three straw poles majority rules, approve staff to make revisions and send it on to City Council.

Chairman Kohler asked if there was any further discussion on the motion?

No further discussions were needed

Seconded: Commissioner Prince seconded the motion.

Votes: Ayes: Commissioner Dodge, Commissioner J. Kohler, Commissioner Oksner, Commissioner Rather, Commissioner Prince, Chairman Kohler. Commissioner Waldrip abstained from the vote due to conflict of interest.

Nays: None

Motion: Passed

4. Open and Public Meetings Training. The Planning Commission will be given a presentation and training on the Utah Open and Public Meetings Act.

Due to the time this item will be discussed at another meeting at a later date.

Chairman Kohler asked for a motion to adjourn

Commissioner Prince moved for adjournment at 8:52 p.m.



Kent Kohler, Chairman



Jennifer Sweat, Administrative Assistant