

Midway City Planning Commission Regular Meeting Minutes October 8, 2019

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., October 8, 2019, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Jim Kohler – Chairman
Bill Ream
Rob Bouwhuis
Natalie Streeter
Jon McKeon
Nancy O'Toole
Heather Whitney
Jeff Nicholas

Staff

Michael Henke – City Planner
Melannie Egan – Admin. Assistant
Wes Johnson – City Engineer

Excused

6:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
 - Invocation was given by Commissioner Nicholas
 - Chairman Kohler led the Pledge of Allegiance

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of September 10, 2019.

Motion: Commissioner Nancy O'Toole: I make a motion to approve the regular planning commission minutes of September 10, 2019 with the minor corrections.

Seconded: Commissioner Streeter

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, Ream, O'Toole, Nicholas, Bouwhuis

Nays: No

Motion: Passed

Item 2:

Summit Engineering Group, agent for Farm Springs property owners, is proposing a plat amendment of the Farms Springs subdivision plat. The proposal would amend common space D and reduce the common area by 0.47 acres. The property is located at 544 Meriwether Way and is in the R-1-15 zone.

Planner Henke gave a presentation

Land Use Summary

- R-1-15 zoning
- Remove 0.47 acres from Farm Springs Common Area “D”
- Add 0.47 acres to Randall Probst property
 - Parcel would reduce from 6.9 acres to 6.3 acres
 - Vacated parcel would have a perpetual use easement for the Farm Springs HOA and lot owners
- Probst property would have enough acreage for a rural preservation subdivision

Points of Discussion

- Farm Springs is required to have 15% open space
 - 3.9 acres required
 - 6.9 acres – current
 - 6.43 acres - proposed
- Proposal will facilitate the preservation of additional open space if Rural Preservation subdivision created on Probst property

Proposed Findings

- State law allows the adjustment of a lot line regardless of whether the lots are located in the same subdivision
- State law requires a land use authority to approve a lot line adjustment if the exchange will not result in a violation of any land use ordinance
- State law states a plat amendment may be considered by the land use authority at a public meeting
- The Farm Springs subdivision will still have more than the required amount of open space if the proposed amendment is approved
- The proposal will help create a subdivision that matches the General Plan’s goals of preserving open space and a rural atmosphere
- No public street, right-of-way, or easement will be vacated or altered

Comments and Questions

None

Motion: Commissioner Ream: I motion that we approve the plat amendment of the Farms Springs subdivision plat. The proposal would amend common space D and reduce the common area by 0.47 acres. The property is located at 544 Meriwether Way and is in the R-1-15 zone. We accept staff findings and include the condition that there be a legal affirmation from the City Attorney.

Seconded: Commissioner O'Toole

Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, Ream, O'Toole, Nicholas, Bouwhuis

Nays: None

Motion: Passed

Item 3:

Midway City is proposing an amendment to the City's Land Use map. The proposal is to extend the Midway growth boundary to include property that is part of the Wasatch Mountain State Park. The area that would be included is around the visitor's center, Wasatch Mountain golf courses, camping areas and other surrounding properties.

Planner Henke gave a presentation

Land Use Summary

- Increase the Midway City Growth Boundary
- Areas in the Growth Boundary may be considered for annexation
- Area in proposed boundary is 3,172 acres (4.96 square miles)
 - Wasatch State Park is 21,592 acres

Midway Growth Boundary

- Proposed growth boundary includes
 - State Park Property
 - Golf Course areas
 - Campground areas
 - Visitor Center
 - 2 City springs and water tank
 - Heber Light and Power parcel
 - 1.81 acres
 - Duane Moss parcel
 - 15 acres
 - Included to avoid creating an unincorporated peninsula
- Proposed zoning is RA-1-43
 - City should consider creating a new zone for the State Park properties
- Proposed growth boundary includes
 - State Park Property
 - Golf Course areas
 - Campground areas

- Visitor Center
- 2 City springs and water tank
- Heber Light and Power parcel
 - 1.81 acres
- Duane Moss parcel
 - 15 acres
 - Included to avoid creating an unincorporated peninsula
- Proposed zoning is RA-1-43
 - City should consider creating a new zone for the State Park properties

Proposed Findings

- Proposed growth boundary includes
 - State Park Property
 - Golf Course areas
 - Campground areas
 - Visitor Center
 - 2 City springs and water tank
 - Heber Light and Power parcel
 - 1.81 acres
 - Duane Moss parcel
 - 15 acres
 - Included to avoid creating an unincorporated peninsula
- Proposed zoning is RA-1-43
 - City should consider creating a new zone for the State Park properties

Comments and Questions

Commissioner Payne asked about the spread sheet. It was stated that Brad Wilson created the spread sheet and he sends the information to the state each year. He explained the formula and how it is calculated. He explained that the state does not pay taxes and the growth boundary and possible annexation of the campground only helps with the formula.

Commissioner O'Toole explained when the campsites are open, and the state park is planning on expanding the campground.

Commissioner Streeter asked if this proposal would inhibit the park from achieving their goals to expand. Michael Henke explained that the state park does not have to follow our city codes. The park will be able to follow their own master plan.

There was a discussion of the possibility of creating this area with its own Zone, possibly the P-160 Zone.

Public Hearing Open

None

Public Hearing Closed

Motion: Commissioner Streeter: I make a motion that we approve the amendment to the City's Land Use map. The proposal is to extend the Midway growth boundary to include property that is

part of the Wasatch Mountain State Park. The area that would be included is around the Visitor's Center, Wasatch Mountain golf courses, camping areas and other surrounding properties. We accept staff findings with the condition with the RA-1-43/P-160 (Preservation 160 acres) zone to be included.

Seconded: Commissioner O'Toole

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, Ream, O'Toole, Nicholas, Bouwhuis

Nays: None

Motion: Passed

Item 4:

Midway City is proposing a code text amendment of Section 16.13.39 (A) (11): Off-Street Parking and Loading. The proposed code will possibly require parking for outside dining at cafes and restaurants.

Outside Dining Parking

- City Council wants to review and possibly adopt parking requirements for outside dining
- Outside dining has never required parking stalls
- Inside dining
 - Previous code – 1 stall per 250 sq. ft. of dining area
 - PC recommendation – 1 stall per 200 sq. ft. of dining area
 - Current code - 1 stall per 150 sq. ft. of dining area
 - 66% increase
- City Council wants to review and possibly adopt parking requirements for outside dining
- Outside dining has never required parking stalls
- Inside dining
 - Previous code – 1 stall per 250 sq. ft. of dining area
 - PC recommendation – 1 stall per 200 sq. ft. of dining area
 - Current code - 1 stall per 150 sq. ft. of dining area
 - 66% increase
- General Plan Promotes a vibrant commercial district which outside (fix this)
- Planning Commission discussed that increasing the inside dining requirement would help cover the outside dining parking needs
- Outside dining is seasonal
- Requiring outside dining parking would make it more expensive for a business to locate in Midway
- Cities deal with outside dining parking in 4 ways
 - Outside dining parking is not required
 - Outside dining parking is not required until a threshold is met such as the area is larger than a specified number or the seating is greater than a specified number
 - Outside dining parking is calculated at the same rate as inside dining
 - Outside dining parking is determined as part of a CUP

Parking Analysis

	Corner	Mercantile	Galleria
Number of Stalls	14	11	5
Indoor Dining Square feet	2,636	2,031	1,332
Previous Code	11	9	5
Current Code	18	14	8
Outdoor dining sq. ft	1360	800	1400
Outside dining using inside dining requirements	10	6	10
Total Parking requirements	28	20	18

Possible Finding

- Increasing parking for outside dining at restaurants and cafes may help alleviate potential parking problems for future restaurants
- Increasing parking for outside dining at restaurants and cafes will make it more expensive for eating establishments to locate in Midway
- Increased parking requirements will require more area in the commercial zones to be paved which may distract from the vision of Main Street as described in the General Plan
- The General Plan promotes a pedestrian experience along Main Street and increased parking requirements might detract from that experience

There was a discussion regarding that it might be too soon to change, wait to see. Many businesses may not come to Midway and we could create a possible sea of asphalt.

Motion: Commissioner Bouwhuis: I make a motion of no change to the code text amendment of Section 16.13.39 (A) (11): Off-Street Parking and Loading. The proposed code will possibly require parking for outside dining at cafes and restaurants. That we accept all staff findings.

Seconded: Commissioner Payne

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, Ream, O'Toole, Nicholas, Bouwhuis

Nays: None

Motion: Passed

Item 5:

Brett Walker, agent for Probst Raspberry LLC, is requesting preliminary/final approval of The Willows at Midway, a rural preservation subdivision. The proposal is for a 5-lot subdivision on 36.72 acres. The property is located at about 100 South and 500 West and is in the RA-1-43 zone.

- **Land Use Summary**
- RA-1-43 zoning

- 36.72-acre parcel
- Proposal contains five lots
- Access from Main Street
- Shared private driveway
- Public trail
- FEMA floodplain
- The lot will have a septic tank, connect to Midway City's culinary water line, and Midway Irrigation Company's secondary water line

- **Water Requirement**
 - Item was heard by the Water Board on 10-7-2019
 - Item is scheduled to return to the Water Board on 11-4-2019 for a recommendation

- **Points of Discussion**
 - FEMA Floodplain
 - Water connection and service
 - Trails (Master Trail Plan)
 - Private driveway access- 20-foot driveway and does not have to be paved
 - Deed restriction

- **Proposed Findings**
 - The proposal does meet the intent of the General Plan for the RA-1-43 zone
 - The proposal does comply with the land use requirements of the RA-1-43 zone
 - The proposal does comply with the requirements for the Rural Preservation Subdivision code

- **Proposed Conditions**
 - Access is finalized before plat is recorded
 - Details to the public trail and easement with pedestrian bridge are finalized before the plat is recorded
 - Percolation test is approved by the County Health Department before the plat is recorded

- **Comments and Questions**

There was a discussion regarding the Trails Master Plan and the trails that surround the property and how they connect to other trails and the state park.

Commissioner Streeter believes that there isn't enough information for a final/preliminary application.

There was a discussion of perhaps adding parking for the trail. It is not required.

Commissioner Streeter asked Paul Berg about the easement and where were the discussions

going thus far, He stated that they would build a 24-foot paved road to the bridge and to the driveway if they cannot get an agreement with all parties.

Paul Berg clarified that they would explore where the trail would be, and they could possibly put the trail in the easement on one side of the driveway. But they were hoping to work with the other properties to keep the trail on the east side of the creek.

There was a discussion on where the crossings could be.

Public Comment Open

Russ Athey- He has an issue with the Rural Preservation Subdivision, is concerned that some of the trees will be taken out due to a paved road. He is concerned about the access and it must be sorted out to preserve the trees and the feel of a true rural preservation subdivision. He is very concerned.

Dennis Wainger- who lives on West Main Street at the entrance of this property. He believes that the entrance to be narrow, graveled and maintained. People take pictures there; people paint there and needs to be preserved. He had concerns about who really own that easement, because he believes that it is owned by the Walkers and doesn't know when it would have transferred to the Probst's.

Janet Athey- Stated that people park in front of her house. It hasn't been an issue when people park there to. She is concerned about the trees. She stated that she contacted UDOT.

Marnie Moody -lives at 50 N 400 W- Stated that it would be horrible if the trees are cut down. Is opposed to pavement and also to save the trails.

Jolynn Broadhead- Trails do exist that get to the state park. There is a clear path on the north side of the property and Probst even put a gate to help with access. There are many trails that so many people use.

Scott Call- Stated that the application is incomplete because the trails are not listed and shown. This application should not be approved.

Shaun Seamans- Used the trail with his family forever. And please to not accept this application because it is not complete.

Barbara Mackeltine- Encourage the commissioners not to rush this through with approval as the information is incomplete.

Erin Seamans- Opposes this application. Keeping the space as it is, respect the discussion of the quality. Unintelligent and irresponsible.

Brett Walker- Wants to clarify, he is working with Kem Gardner, he agrees that the area is beautiful and wants to preserve the willows and the trees. He is working out the details. He does not want to lose the charm of the lane. He wants to preserve as much as possible.

He explained that he loves the rural Preservation Subdivision.
He explained what conditions are and how they work.

Beth Carlson- Wants to get the easements to be in place before the approval to be given.

Public Closed

Commissioner Streeter asked Paul about the box culvert and its size. She wants to make sure that the culverts are big enough so that there will be not be a flooding issue. He stated that it would be bigger but not bigger that it would have the opposite effect. Perhaps two feet wider than the current culvert on Center Street.

Comments

There was a discussion regarding the trees and which ones would or could be removed. It is Paul Bergs understanding that there would be only one tree on the south that would have to be removed.

Motion: Commissioner Payne: I make a motion to continue the proposal preliminary/final approval of The Willows at Midway, a rural preservation subdivision. The proposal is for a 5-lot subdivision on 36.72 acres. The property is located at about 100 South and 500 West and is in the RA-1-43 zone. We accept the staff report, With the condition on detailed on the access, location of road, surface and impact of trees. Define the public trail location that is required by the Trail Plan and the trail on the north side of the property, and easement with pedestrian bridge are finalized before the plat is recorded.

Seconded: Commissioner O'Toole

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, Ream, O'Toole, Nicholas, Bouwhuis

Nays: Ream

Motion: Passed

Item 6:

Brett Walker is requesting Final approval for the Lime Canyon Meadows Subdivision. The proposal is a large-scale subdivision located on two acres and will contain four lots. The property is located at 960 Lime Canyon Road and is in the R-1-22 zone.

- **Land Use Summary**
- 2-acre parcel
- R-1-22 zone
- Proposal contains four lots
 - Each lot is 0.5 acres
- Access from Lime Canyon Road
- The lots connect to the Midway Sanitation District's sewer line, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

- **Points of Discussion**

- Drainage and hydraulics study
- 60' transmission line easement
- Homestead irrigation easements

- **Water Board Recommendation**

- This Water Board has recommended that 7.1-acre feet is tendered to the City for the outdoor and indoor water requirements. The easement agreement with the Homestead Resort and pressurized irrigation source will also need to be resolved.

- **Proposed Findings**

- The proposal does meet the intent of the General Plan for the R-1-22 zone
- The proposal does comply with the land use requirements of the R-1-22 zone
- A drainage/hydraulics study has been submitted to the City along with a flood mitigation plan

- **Proposed Conditions**

- The hydraulics study and proposed improvements plan as described in the letter from Paul Berg dated August 8, 2019 and reviewed and accepted by Matt Loughlin is followed and is part of the required construction improvements for the subdivision.

- **Comments and Questions**

Paul Berg explained that they would be fixing the culvert to help with the flooding.

Motion: Commissioner Payne: I make a motion to approve the Lime Canyon Meadows Subdivision. The proposal is a large-scale subdivision located on two acres and will contain four lots. The property is located at 960 Lime Canyon Road and is in the R-1-22 zone. Accept staffs findings and staff proposed conditions.

Seconded: Commissioner Nicholas

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Payne, Ream, O'Toole, Nicholas, Bouwhuis

Nays: None

Motion: Passed

Item 7:

Don Watkins DPW Heber Inc., agent for Don and Peggy Watkins Star Valley Properties LLC, is requesting final approval of phase 1 of the Saddle Creek Ranch subdivision. Phase 1 includes nine lots on 10.37 acres. The property is located at 970 South 250 West and is in the R-1-22 zone.

Commissioner Natalie Streeter recused herself from this item.

- **Land Use Summary**
- 9.84 acres
- Mater Plan - 31.99 acres
- R-1-22 zoning
- Proposal contains 9 lots
- Master Plan - 36 lots
- Open space
- 2.91 acres (29.6%)
- Standard subdivision
- Public roads
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

- **Points of Discussion**
- Water rights have been tendered to the City
- Phasing land use approvals may be received before transmission line movement or burial
- Transmission lines must be in the process of being buried or moved before construction begins
- Trails
- Water extension line agreements
Must be paid before the plat is recorded

- **Proposed Findings**
- The proposed plans for phase1 comply with the requirements of the land use code.
- The proposal does meet the vision as described in the General Plan for the R-1-22 zone.
- Road improvements along Center Street and 970 South will benefit the community in general
- The public trail built along 970 South will help complete the master trail plan that will benefit members of the community

- **Proposed Conditions**
- Required water extension line agreement fees are paid for all 36 lots before the recording of the plat for Phase 1.
- The developer will work with the post office to find a location, out of the sight visibility triangle, for the Cluster Box Unit that will service the subdivision and submit that plan to

the City

Comments and Questions

There was a discussion about the waterline extension agreements and how they work.

There was a discussion regarding the waterline extension and the possibility of extending one of the waterline extension agreement.

Motion: Commissioner Bouwhuis: I make a motion approval of phase 1 of the Saddle Creek Ranch subdivision. Phase 1 includes nine lots on 10.37 acres. The property is located at 970 South 250 West and is in the R-1-22 zone. With the condition that Saddle Creeks developers are allowed to work with the water line agreement developers to extend the payment of the water line agreement and the condition of The developer will work with the post office to find a location, out of the sight visibility triangle, for the Cluster Box Unit that will service the subdivision and submit that plan to the City.

Seconded: Commissioner Ream

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Payne, Ream, O'Toole, Nicholas, Bouwhuis

Nays: None

Motion: Passed

Item 8:

Berg Engineering, agent for Mountain Spa Investors LLC, is requesting a non-entitlement review of a concept plan for Mountain Spa which contains 156 units. The property is 78 acres and is located at 800 North and 200 East. The property is partially in the R-1-22 zone and partially in the Resort Zone.

Comments and Questions

Paul Berg addressed this concept plan. This proposal is designed is to remove the resort zone, but keep it in the transient rental overlay district and have the density of the R-1-22 zone. This would give the city a way to help with the rental tax issue. These would-be high-end units. There will be amenities so that the hot pot water and amenities will be used and enjoyed by the guests.

Ty Lesweir- Mesa Arizona- gave a presentation on the Mountain Spa Concept Plan.

Motion: Commissioner O'Toole: I motion to adjourn

Second: Commissioner Ream

10:00 pm

Approved