

Midway City Planning Commission Regular Meeting Minutes November 9, 2021

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., November 9, 2021, at the Midway City Community Center 160 West Main Street, Midway, Utah

Attendance

Rich Cliften
Rob Bouwhuis- Vice Chair
Craig Simons
Andy Garland
Laura Wardle
Bill Ream
Heather Whitney

Staff

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

Excused

Jon McKeon
Jeff Nicholas- Chairman

6:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
 - Invocation was given by Rob Bouwhuis
 - Vice-Chairman Bouwhuis led the Pledge of Allegiance

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of October 12, 2021.

Motion: Commissioner Garland: I make a motion that we recommend approval of the minutes for October 12, 2021, with the changes that were given to Melannie Egan.

Seconded: Commissioner Clifton

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Whitney, Ream, Wardle, Garland, Simons and Cliften

Nays: None

Motion: Passed

Item 2:

Wayne Gordon, agent for Bill Nibley, is requesting approval of a conditional use permit that would allow a mixed-use development on the Daybell Garage property. The proposed mixed use would consist of a restaurant and a residential unit. The property is located at 298 South Center Street and is in the C-2 zone.

Planner Henke gave a presentation

Land Use Summary

- **Overview:** Proposed mixed-use. Conversion of 1st floor to restaurant and residential. Addition of 2nd floor for the remaining portion of the residential unit
- 0.22 acres
- C-2 zoning
- 28' in height
- Currently accessible from both Center Street (UDOT) and Michie Lane.
- Property is connected to Midway City Culinary, Midway Sanitations sewer and Midway Irrigations secondary water line.

Waterboard Recommendation

- 1.5-acre feet when lot was platted as lot 2 of the Theo Carlisle Daybell Family Trust Small Lot Subdivision
 - Covers the water requirement for the restaurant and outside irrigation
- 0.8-acre feet required for the new residential unit

Recommended water dedication: 0.8-acre feet

Possible Findings

- The proposed use is a conditional use in the C-2 zone.
- The proposal is consistent with the vision of the General Plan for Main Street.
- A drive-thru window will not be installed and used unless the required off-street parking is moved onto an adjacent parcel, which is subject to the approval of the city council.

Proposed Conditions

1. Must have approval from UDOT for existing access before proceeding to the City Council.
2. Must obtain an updated will-serve letter from Midway Irrigation Company before building permit approval.
3. No building permit may be issued unless final written approval has been provided by the City Engineer.
4. Must obtain a final recommendation of approval from the Vision Architectural Committee before consideration by the City Council.

Commissioners and Staff Comment

If in the future the City Council approves a cross parking agreement, two parking spots may be relocated off-site, allowing for the use of a drive-thru window on the north side of the drive aisle and a vehicular pass through on the south side of the aisle.

There was a comment that the awning over the door and drive thru window may be too low. Luke Robinson stated that it would be looked at and revised if needed.

There was some clarification on the parking and the parking requirements. Luke Robinson stated that they do meet the requirements for parking. Wayne Gordon stated that the employees would park where they can but are following the code. Bill Ream stated that he would like them to consider encouraging their employees to park away and avoid Michie Lane.

There was a discussion about the residential use and if it was creating parking issues. Some of the commissioners are concerned that the use will clog the corner of Michie and Center with cars and it will mess up the entrance into Midway and may not be in line with the Alpine feel. Michael Henke explained that VAC wanted to keep the historic feel of the existing building in the front. There was a conversation about what the VAC looks and approves.

There was a discussion about the trash area. The area on the north side where they want the trash to go will be screen. Wayne Gordon clarified that they will be using canisters and be picked up multiple times. Rob suggested that they put a condition that they can't use a dumpster.

There was a clarification that the intent of the future drive thru would be an order and pickup from the same window with a menu board.

Motion: Commissioner Ream: I make a motion that we recommend approval of a conditional use permit that would allow a mixed-use development on the Daybell Garage property. The proposed mixed use would consist of a restaurant and a residential unit. The property is located at 298 South Center Street and is in the C-2 zone. We accept staff findings and the conditions that are in the staff report.

Seconded: Commissioner Whitney

Chairman Nicholas: Any discussion on the motion? There was more discussion, the motion did not change.

Chairman Nicholas: All in favor.

Ayes: Commissioners: Whitney, Ream, Wardle and Cliften

Nays: Garland, Simons

Motion: Passed

Item 3:

Berg Engineering, agent for Jordan Law, is proposing final approval of the Mill Canyon Farms subdivision. The proposal contains four lots on 10.16 acres. The property is located 850 South 250 West and is in the R-1-22 zone.

Land Use Summary

- R-1-22 Zone
- Four Lot Standard Subdivision
- 10.16 Acres
- Frontage along Street Lane (250 West) and dedication of ROW for the extension of 970 South
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line
- There appear to be sensitive lands on the property which include the FEMA floodplain for Snake Creek

Waterboard Recommendation

- 10.16-acre parcel (442,570 sq. ft.)
 - Area of lots
 - 8.27 acres (360,241 sq. ft.)
 - Impervious area for lots
 - 0.73 acres (4 x 8,000 = 32,000 sq. ft.)
 - Irrigated acreage
 - 7.54 acres x 3 = 22.62-acre feet
 - 4 culinary connections
 - 3.2-acre feet
- 25.82-acre feet requirement

Possible 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.
- 1.52 acres of open space must be created as part of the development, which will be noted on the plat and restricted from future building or development.
- The applicant will dedicate the remaining portion of the right-of-way needed for 250 West (Street Lane).
- The applicant will be dedicating a 15' public trail easement along the future 970 South. They will construct an 8' asphalt trail that connects 250 West to Stringtown Road. They will also be dedicating a 25' public trail easement along the east side of the Snake Creek channel.
- The applicant will be required to install secondary water meters for each lot.
- Any failure to submit a proposed final plan and final approval submittal package within one year of the approval of the Preliminary Plan by the City Council shall terminate all proceedings and render the Preliminary Plan null and void.

Proposed Conditions

None

Commissioners and Staff Comment

There was clarification regarding the actual width of the trail easement. Michael Henke stated that wider would give them a little wiggle room with the trail, but the trail will not change in width.

Motion: Commissioner Simons: I make a motion that we recommend approve the final application of the Mill Canyon Farms subdivision. The proposal contains four lots on 10.16 acres. The property is located 850 South 250 West and is in the R-1-22 zone. We accept staff findings with no conditions.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners Whitney, Ream, Wardle, Garland, Simons and Cliften

Nays: None

Motion: Passed

Item 4:

Midway City is proposing an amendment to Sections 16.7, 16.8, 16.9, 16.10, 16.11, and 16.12 of the Midway City Municipal Code. The proposed amendment would change setbacks for the residential zones.

Planner Robinson gave a presentation.

Proposal Background

The purpose of this item is to review and amend the City's land use ordinance regarding setbacks in residential zones with the goal of preserving view corridors and the rural character of Midway.

General Plan Support for Adjustments

Elements of the Community Vision

- Effective planning through clustering, setbacks, Transfer Development Rights, and animal/agriculture ordinances will help Midway to preserve its view corridors, maintain open spaces and reinforce a country/rural feeling.
- Goal 2: Encourage open space to preserve a high quality of life and to preserve

Midway's rural atmosphere.

- Objective 1: Protect all the environmental and natural resources of the city by requiring development to occur in a manner and location which respects sensitive environmental lands: wetlands, flood plains and natural drainage patterns, steep slopes, productive agricultural lands, geologically unstable areas, critical wildlife areas, vegetation, and important scenic features such as ridge lines hillsides and view corridors.

Residential Dwelling Setback Comparison Matrix:

	Minimum Front Setback (Existing/Proposed)	Minimum Side Setback (Existing/Proposed)	Minimum Rear Setback (Existing/Proposed)
R-1-7 Zone (min. 70' frontage)	30' / 30'	10' / 10'	30' / 30'
R-1-9 Zone (min. 90' frontage)	30' / 30'	10' / 10'	30' / 30'
R-1-11 Zone (min. 100' frontage)	30' / 30'	10' / 15'	30' / 30'
R-1-15 Zone (min. 100' frontage)	30' / 30'	10' / 15'	30' / 30'
R-1-22 Zone (min. 115' frontage)	30' / 40'	12' / 20'	30' / 40'*
RA-1-43 Zone (min. 150' frontage)	30' / 50'	14' / 30'	30' / 50'

*On parcels less than 0.60 acres in size and with more than 160' of frontage, a 30' rear setback may be allowed.

Accessory Buildings Setback Comparison Matrix:

	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback
R-1-7 Zone (Exist)	30'	10' or 3'	10' or 2'
Proposed <20' height	40'	10'	10'
Proposed ≥20' height	40'	15'	15'
R-1-9 Zone (Exist)	30'	10' or 3'	10' or 2'
Proposed <20' height	40'	10'	10'
Proposed ≥20' height	40'	20'	20'

R-1-11 Zone (Exist)	30'	10' or 3'	10' or 2'
Proposed <20' height	40'	15'	15'
Proposed ≥20' height	40'	20'	20'
R-1-15 Zone (Exist)	30'	10' or 3'	10' or 2'
Proposed <20' height	40'	15'	15'
Proposed ≥20' height	40'	20'	20'
R-1-22 Zone (Exist)	30'	12' or 3'	10' or 2'
Proposed <20' height	50'	20'	20'
Proposed ≥20' height	50'	30'	30'
RA-1-43 Zone (Exist)	30'	14' or 3'	10' or 2'
Proposed <20' height	60'	30'	30'
Proposed ≥20' height	60'	40'	40'

*Accessory structures that are 200 square feet or less in size, are 12' or less in height and have temporary foundations, may be located up to 3' from a side or rear property line in any residential zone. There is no exception to the front setback. At the owner's risk, they may be located on a platted public utility easement, all other easements are considered unbuildable. All drainage must be maintained on site.

Possible Findings

- Preserving view corridors and open space is an important goal for the community.
- Extending setbacks will preserve the rural atmosphere of Midway.
- Increasing residential setbacks will likely make many structures legally non-conforming.
- Increasing setbacks may limit the size of some dwellings on smaller lots.
- Increasing setbacks may limit the ability to construct detached accessory structures on lots in some zones.

Commissioners and Staff Comment

Rob Bouwhuis asked if the setbacks change, and the subdivision is only half built out. Would this affect those subdivisions. Michael Henke stated that they could write the code that would state that the new setbacks would be for only new developments going forward. All regular parcels or lots would have to meet the new setbacks.

Heather Whitney wants to look at height restrictions, numbers of acres, volume limits and footprint should be looked at before changing to setbacks, which may result in unintended consequences. She wants to spend more time on it and all options need to be talked about, and have a possible work meeting and having the committees looking at the general plan. This is a good time to look further and take some time. She also is concerned that this could hurt the property owners that have or want animals. One of the significant elements of the Midway

Community Vision is that "Animal Rights will be protected and promoted to help preserve the rural atmosphere and preserve open space." With some structures that are designed for animals and the rules of structures that house animals needing to be certain feet away from main dwelling. She believes that this would make things hard in those scenarios and make it hard to have livestock. Bigger lots that are over 2 acres would not have this problem.

Rich Cliften does not feel that the current setback are bad at all. He doesn't think things need to change.

Rob Bouwhuis likes the idea of increasing the setbacks.

Most commissioners like the new front setbacks unless the lots are in existing plats. Only on new plats.

Half of the commissioners think that the side setbacks should remain the same and half like the idea of increasing it. Half of those commissioners like a small increase and not so drastic.

There was a conversation about subdivisions that have landscaping easements and/or retention ponds and this type of setbacks would make some lots difficult to put a home on it. Rob Bouwhuis stated that his home would be a perfect example of this happening.

Greater front setback for accessory building all commissioners liked, except on corner lots. Corner lots in the R-1-22 and RA-1-43 are too much when the corner lots is considered a second front. Commissioner Whitney stated that the setback on the "side fronts" of corner lot properties should be treated differently than the actual front of these properties She suggested that there should be no increase to the "side front" setbacks of corner lots and that there should be language added to the Code which distinguishes between the "true front" of corner lots and the "side fronts."

Commissioners like the teared height system for accessory building. There was a conversation looking at ratio of height to how far back the building could be good.

Public Hearing Open

Russ Watts statement read by Heather Whitney- I think it is important to mention that we should bring in architects & community design experts in the residential field that can provide architectural and special input as to the impact of what is being suggested on the code changes.

Public Hearing Closed

Motion: Commissioner Whitney: I make a motion that we recommend to continue this item until staff has more to present to the committee.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Whitney, Ream, Wardle, Garland, Simons and Cliften

Nays: None
Motion: Passed

Item 5: (Was skipped due to time and did not require a public hearing)

Midway City is proposing an amendment to Section 16.16: "Planned Unit Development and Subdivisions" of the Midway City Municipal Code. The proposed amendment would review the entire ordinance and changes could affect all provisions of the current code including setbacks, open space requirements, density, etc.

Motion: Commissioner Ream: I make a motion that we recommend continuance an amendment to Section 16.16: "Planned Unit Development and Subdivisions" of the Midway City Municipal Code. The proposed amendment would review the entire ordinance and changes could affect all provisions of the current code including setbacks, open space requirements, density, etc. Next meeting will be in December.

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Whitney, Ream, Wardle, Garland, Simons and Cliften

Nays: None

Motion: Passed

Item 6:

Midway City is proposing an amendment to Sections 16.4, 16.13.22, 16.16, and 16.15 of the Midway City Municipal Code. The proposed amendment would change landscaping for the commercial, resort, and residential zones.

Planner Robinson gave a presentation.

Proposal Background

The purpose of this item is to update the landscape requirements for new development applications and to ensure that the requirements are consistently referenced in the various development sections of the code.

Proposed Code Language (adjustments in red)

16.13 SUPPLEMENTARY REQUIREMENTS IN ZONES

16.13.22 Landscaping Plan – Sections C & G

C. When landscaping is required as a part of a site plan, conditional use, ~~small-or~~ standard subdivision, PUD, resort, **commercial**, or other development approved under this Title, such landscape plans shall incorporate compliance with all other required conditions of the City for the project.

G. Site Plan Required. Where landscaping is required in this Title, a site plan showing the

proposed landscaping development, watering system and use of the property shall be submitted to the land use authority for approval. ~~Planning Commission and City Council, except that a separate site plan showing the landscape plan shall not be required for one and two family dwellings within subdivisions or on zoning lots of record. Otherwise, the same plan used to show parking layout or other requirements for the issuance of a building permit may be used to show landscaping, providing all required landscaping is detailed adequately on said plot plan. The City Council may disapprove such plans if it determines that they are not consistent with the requirements and purposes of this Chapter.~~

16.13 SUPPLEMENTARY REQUIREMENTS IN ZONES (Continued)

16.13.22 Landscaping Plan – Section H

H. Landscape Minimums. Where landscaping is required in this Title, the following landscape requirements must be met.

I. Native or wildflower seed mixes may only be used on slopes of 20% or greater.

II. When property is developed, it must include trees at the following rates. These are in addition to any required street trees. At a minimum, trees must be spaced to accommodate their mature size:

a. Residential Development: One tree per 2,904 square feet (gross) of common and open space area (15 trees per acre).

b. New Commercial, New Mixed-Use or Business and Manufacturing Park Development: One tree per 4,840 square feet (gross) of parcel area (9 trees per acre).

c. New Resort Development: One tree per 2,904 square feet (gross) of common and open space area (15 trees per acre).

III. Street trees will be required at the following rates. Required street trees are in addition to trees required above in subsection II:

a. Planned Unit Development: Trees will be required in all park strips, or adjacent to roadways, spaced at a maximum interval of 40'.

b. Large Subdivision: Trees are only required in park strips, or adjacent to roadways, when it abuts common space or open space, spaced at a maximum interval of 40'.

c. New Commercial, New Mixed-Use, Business and Manufacturing Park or New Resort Developments: Trees will be required in all park strips, or adjacent to roadways, spaced at a maximum interval of 40'.

IV. All deciduous trees must have a minimum caliper of 2" at time of installation. All conifer trees must be a minimum of 6' in height at time of installation.

V. In all developments, no more than 20% of the proposed trees may be the same species. All proposed trees should be in compliance with any approved or prohibited tree list that is maintained by Midway City.

VI. Trees that are proposed near trails must be installed in compliance with regulations found in Chapter 16.29.

VII. Landscape plans must note how landscaping will be irrigated (broadcast, drip, etc.)

16.13.22 Landscaping Plan – Section I, J, K

BUSINESS AND MANUFACTURING PARK ZONE

16.4.6 Landscaping –

All land not covered by off-street parking or buildings shall be planted into lawn, trees or shrubs, and otherwise landscaped and maintained with lawns, trees and shrubs, except for permitted driveways and sidewalks. Landscaping and site drainage plans shall be submitted for all permitted (primary and secondary) and conditional uses and will be reviewed approved as a part of conditional use and site plan approval. The plan will be reviewed by the Visual and Architectural Committee during the approval process and must meet the requirements found in section 16.13.22.

RESORT ZONE

16.15.4.G Design Guidelines –

4. Landscape Design Plan. A landscape design plan is required for all permitted and conditional uses in the Resort Zone. The plan will be reviewed by the Visual and Architectural Committee during the approval process and must meet the requirements found in Section 16.13.22. The Landscape Design Plan shall highlight the natural resources within the Resort and integrate them into the layout of the site in order to promote a connection to the natural environment.

- a. Natural features of the site, such as significant vegetation, geologic features, rock outcroppings, water bodies, wildlife habitat, and animal use pattern, shall be preserved and incorporated into the project design to the extent practicable.
- b. Project landscaping, including hardscape areas, shall be consistent with the overall design theme of the resort. Use of indigenous plant materials is encouraged. Existing vegetation shall be preserved and incorporated into the design of the project to the extent practical, especially wooded areas and other significant vegetation which provides shelter, feed, or habitat for wildlife.

16.15.5.D.4 Submit an updated Design Elements Plan –

C. The Landscape Design Plans submitted with the Preliminary Development Plan Application shall be reviewed by the Visual and Architectural Committee during the approval process and must meet the requirements found in Section 16.13.22. The plan shall demonstrate that the natural resources within the Resort have been appropriately preserved and integrated into the layout of the site so that:

PLANNED UNIT DEVELOPMENTS AND STANDARD SUBDIVISIONS

16.16.7.A General Standards and Requirements -

6. A landscaping plan is required for all planned unit developments and standard subdivisions with open space and common space. The plan will be reviewed by planning staff during the approval process and must meet the requirements found in Section 16.13.22. In addition to the requirements found in section 16.13.22, all areas not covered by buildings, parking, streets or drives shall be planted with grass, trees, shrubs or other plant materials to preserve and protect the final grading plan and the drainage plan proposed are part of the project as part of the submittal of the final landscape plan. Areas may be allowed to be left in a natural state, or xeriscaped, if the Planning Commission and City Council find this more desirable than traditional landscaping; also, a permanent sprinkler system shall be installed in all landscaped areas to provide irrigation of planted areas.

Possible Findings

- The General Plan emphasizes the importance of landscaping and the city's streetscape in helping reinforce the rural feel of Midway
- The proposed adjustments will clarify when landscaping plans are required
- The proposed adjustments will clarify the landscape requirements

Public Hearing Open

None

Public Hearing Closed

Commissioners and Staff Comment

Heather Whitney would like to focus more on maintenance. Having wildflower mixes that are not maintained and turn into weed patches. Wes Johnson and Michael Henke stated that it is very hard to try and get some maintenance. Very difficult to get a developer or HOA to replace a tree that dies or gets taken out by a plow. Current code does not include trees. The code requires grass and irrigation lines only. The code is a low bar.

There was a conversation about extending the warranty period. Wes Johnson stated that it could be possible that state law may not allow that.

There was a conversation regarding natural grasses vs manicured lawn. It was said that native grasses drive the rural feel and manicured lawn berms, etc., are more of an urban feel.

Maintenance is key. Enforcement is the problem and is very difficult. Maintenance needs to be addressed.

There was a conversation to eliminate wildflower mixes on new developments.

Have a list of approved native grasses like the tree list that is maintained by staff.

Public Hearing Open

None

Public Hearing Closed

Motion: Commissioner Whitney: I make a motion that we recommend approval of an amendment to Sections 16.4, 16.13.22, 16.16, and 16.15 of the Midway City Municipal Code. The proposed amendment would change landscaping for the commercial, resort, and residential zones. Accept the staff report and findings with the modification of allowing native grasses and to put together an approved plant list that would include seed mixes, grasses and trees, that would be considered appropriate by midway city.

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Whitney, Ream, Wardle, Garland, Simons and Cliften

Nays: None

Motion: Passed

Item 7:

Midway City is proposing an amendment to Section 16.5.3.1,2 of the Midway City Municipal Code. The proposed amendment would reduce the density allowed for mixed-use developments greater than one acre.

Planner Henke gave presentation.

Proposal Background

Section 16.5.3.1.2 of the land use code allows parcels in the C-2 and C-3 zones that are at least one acre in size and have 200' of frontage to be developed as a mixed-use project. The current mixed-use code allows developers to propose densities of up to 20 residential units per acre. These residential units are in addition to the 20% commercial square footage that is required by code. There have been discussions in the past about whether these potential residential densities are appropriate in the commercial zone. As we have reviewed as a planning staff, we feel that it would be appropriate to recommend reducing the residential density maximum to match the residential density that is allowed in the adjoining R-1-7 residential zone, which allows for 7,000 square foot lots.

Proposed Adjustment

COMMERCIAL C-2 AND C-3 ZONES

16.5.3.1 – Mixed Use Standards

The current code states the following:

b. Up to 20 residential units per acre

The proposed amendment language is the following:

b. Up to 5 residential units per acre

Possible Findings

- The proposed code would only impact mixed-use developments that are one acre or larger
- Midway would continue to allow for a minimum of 20% commercial density, but would limit residential to densities that match the surrounding areas
- The proposed amendment would comply with the vision of Main Street as described in the General Plan

Public Hearing Open

None

Public Hearing Closed

Commissioners and Staff Comment

The density is very high. There was a conversation about raising the minimum 20% commercial density. Increase perhaps to 30 or 40%.

It was said that raising the 20% on small mixed use makes sense.

Rob Bouwhuis believes that reducing to 5 per acre is too low. He stated that he didn't have a huge problem with the Hamlet as it one of the very few options that could be attainable. Lowering the density eliminates the option for now and the future attainable housing. There was a discussion that everyone is so focused on density and reducing it, it is forgotten that we are creating other issues.

Motion: Commissioner Simons: I make a motion that we recommend denial of an amendment to Section 16.5.3.1,2 of the Midway City Municipal Code. The proposed amendment would reduce the density allowed for mixed-use developments greater than one acre.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Whitney, Ream, Wardle, Garland, Simons and Cliften

Nays: None

Motion: Passed

Adjournment

Motion: Commission Simons

Second: Commissioner Ream

10:20 pm


Vice-Chairman – Rob Bouwhuis


Admin. Assistant – Melannie Egan