



**PLANNING COMMISSION MEETING STAFF REPORT**

**DATE OF MEETING:** November 9, 2021

**NAME OF APPLICANT:** Midway City

**AGENDA ITEM:** Code Text Amendment of Section 16.16 Planned Unit Developments and Subdivisions

**ITEM: 5**

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.

**BACKGROUND:**

Midway City Council has enacted a moratorium that affects some land use applications. The purpose of the moratorium is to review current code and make amendments, where needed, so that Midway’s code matches the vision as described in the General Plan. The moratorium allows staff more time to pursue preparing potential code text amendments for Planning Commission and City Council to review. One of the proposed sections of code to review is Planned Unit Development (PUD) and Large-Scale Standard Subdivisions. There are some specific items that have been identified by staff that should be reviewed and analyzed. These include the following:

## Planned Unit Development Density

Some of the main goals of the General Plan are to promote open space, preserve the rural character of Midway, and reduce densities where appropriate. There is clearly support for protecting open space and analyzing our current code to review allowed densities may help us better to protect open space. Through this review, we can determine if the allowed densities are appropriate for Midway and in harmony with the vision as described in the General Plan. Density has a direct impact our community in several ways which include traffic, student population, demand on services, and even air pollution.

Section 16.16.8 establishes densities for PUDs in all zones where they are allowed.

*A. The following standards, requirements and conditions shall specifically apply to all PUDs:*

*1. The permitted base densities allowed in a PUD for each zoning district are listed below:*

<i>R-1-7</i>	<i>5.0 units per acre</i>
<i>R-1-9</i>	<i>4.0 units per acre</i>
<i>R-1-11</i>	<i>3.0 units per acre</i>
<i>R-1-15</i>	<i>2.5 units per acre</i>
<i>R-1-22</i>	<i>2.0 units per acre</i>
<i>RA-1-43</i>	<i>1.25 units per acre</i>

*2. The minimum land area for a PUD shall be ten acres.*

*3. The minimum number of units in a PUD shall be 40.*

The densities listed above are both higher and lower than what each particular zone allows for a standard subdivision. The following is a list of the densities per acre for a PUD as compared to what zoning would allow for a standard subdivision:

<u>Zone</u>	<u>PUD Density</u>	<u>Standard Subdivision Density</u>
• R-1-7	5.0 units per acre	6.2 (-15% for roads = 5.3)
• R-1-9	4.0 units per acre	4.8 (-15% for roads = 4.1)
• R-1-11	3.0 units per acre	4.0 (-15% for roads = 3.4)
• R-1-15	2.5 units per acre	2.9 (-15% for roads = 2.5)
• R-1-22	2.0 units per acre	2.0 (-15% for roads = 1.7)
• RA-1-43	1.25 units per acre	1.0 (-15% for roads = 0.9)

One of the zones that has the largest difference in density is the RA-1-43 zone. The other zones, once 15% of the property is subtracted for roads (historically roads are not subtracted for density calculations in PUDs), have similar densities. The disadvantage of a higher relative density in the RA-1-43 zone is that zone falls on the periphery of Midway, so the increased relative density creates more trips per day that must travel through the other zones to access services and stores. Someone could argue that it should be the opposite of this, so the relative density is higher in the zones located near the services to help create the situation where more people could walk to stores and services instead of accessing them by driving.

### PUD Required Open Space

The open space requirement for a PUD is 50 percent. Open space areas must be at least 100' wide to count as required open space except for the setback area along the peripheral property line which also counts as required open space. The required open space determines how clustered a development is and clustering is one of the main reasons for allowing PUDs. As staff has reviewed the approved PUDs, it appears that PUDs are not clustered as much as staff feels they should be. By adjusting the area that counts as required open space, more clustering would be required which will help create more open space.

### PUD Visitor Parking

Currently visitor parking is required in PUDs at the rate of a stall for every two units. There is not a requirement to where the stalls need to be located but staff feels that it would be good to have visitor stalls located within a specific distance from the units in the PUD. This could be a new requirement with the proposed amendment.

### 10 Acre Minimum Requirement for PUDs

The code requires a minimum of 10 acres for any PUD. The minimum acreage requirement could be adjusted to a higher acreage (this would reduce the number of properties that would meet the requirement) or adjust the to a lower acreage (this would increase the number of properties in Midway that could meet the requirement). If the City would like to have more PUDs developed in the future, then lowering the requirement would make it more likely that other PUDs are developed. If the acreage requirement is increased, then it is unlikely that Midway would have many more PUDs developed.

### 40 Unit Minimum Requirement for PUDs

The code requires a minimum of 40 units for any PUD. This number could be adjusted lower or higher. The lower the number, more properties that could qualify for a PUD. The higher the number, less properties qualify. For example, in the RA-1-43 zone, 50 acres are required to meet the minimum requirement of 40 units with a density of 1.25 units per acre. If the City would like to have more PUDs developed in the future, then lowering the unit requirement would make it more likely that other PUDs are developed. If the unit requirement is increased, then it is unlikely that Midway would see many more PUDs developed.

### Structure Spacing in PUDs

There currently is not a spacing or distance requirement between structures in a PUD. The International Building Code has special fire code requirements if buildings located within 5' of each other but Midway does not require a minimum distance. If the code were amended and a

minimum distance was required, then it possible that more units would be attached, or developers would lower density to accommodate stand alone units.

Planned Performance Development Code

Another option to consider for PUDs is a Planned Performance Development (PPD) type code. A PPD creates a system where developers may receive more density by creating amenities that are optional. For example, if an area is dedicated to the city for a civic site, a density bonus would be granted. Or if more open space is provided greater than the minimum requirement, then more density would be granted. The main problem with a PPD is that the grading of some items is subjective. If items area quantifiable then it is easy to grant a bonus but if they are qualitative then the decision to grant density is subjective. Basically, staff, the Planning Commission, and City Council would most likely be involved in determining the value of the extra amenities and the bonus density that would be granted. Again, this process is very subjective, which is the greatest weakness for PPDs. Another route the city could take is mandating amenities instead of granting bonus densities. The following is an example of a PPD:

**Performance Chart.** Any of the below mentioned items can be used to get up to 1 unit per net acre.

Amenity <sup>1</sup>	RA-1 <sup>2</sup>	Staff grade	Planning Commission grade
Base Density <sup>33</sup>	1 ERU for every 1.3 net <sup>12</sup> acres	72.43/1.3 = 55 units	
30% open space preserved (for public or private use as determined appropriate by the Planning Commission and County Council)	Required (on large scale developments over 15-acres)	N/A	
10% usable open space w/in 30% <sup>4</sup>	1-10%	10%	
Extra (above the 30% requirement) unusable Open Space (over 30% or in flood way) <sup>5</sup>	1-10%	0%	
Public Trails provided (that exceeds minimum requirements)	1-5%	0%	
Extra usable Open Space for public use <sup>6</sup>	1-5%	0%	
Improving public open space with public amenities <sup>7</sup>	1-15%	0%	
Dedication or Building of Large Civic Site <sup>8</sup>	1-20%	1%	
Quality and Quantity of landscaping	1-10%	8%	

Good streetscape design <sup>9</sup>	1-10%	7%	
Allowing large animals as part of the development agreement <sup>10</sup>	1-2%	0%	
Fee-in-lieu (open space) <sup>11</sup>	1-30%	N/A	
Total	Not to exceed 1 unit per net <sup>12</sup> acre	26%	

### Standard Subdivision Open Space

The current code requires 15% open space for standard subdivisions in the R-1-11, R-1-15, and R-1-22 zones on properties six acres or greater. In the RA-1-43 zone 15% open space is required on properties 10 acres or greater. The R-1-7 and R-1-9 zones do not have an open space requirement for any acreage. Any of the requirements could be amended but the most obvious potential amendments are to increase the open space requirement, which would require more clustering, and require open space in all zones.

These are some of the items that have been identified and more will be discussed in the Planning Commission meeting. The purpose of this item on the agenda is to discuss PUDs and large-scale standard subdivisions standards and gather ideas about what items should be amended. Once staff has received comments and direction from the Planning Commission, proposed code will be created for further consideration and presented at a future Planning Commission meeting.