

Midway City Planning Commission Regular Meeting Minutes August 10, 2021

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., August 10, 2021, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Jeff Nicholas- Chairman
Andy Garland
Bill Ream
Craig Simons
Heather Whitney
Rich Cliften

Staff

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

Excused

Jon McKeon
Rob Bouwhuis- Vice Chair
Laura Wardle

6:00 P.M. Regular Meeting

Call to Order

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

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of July 13, 2021.

Motion: Commissioner Garland: I make a motion that we recommend approval of the minutes for July 13, 2021, with the changes that were given to Melannie Egan. (Change the start time on the AG continuance to add that a start time be 8:00am)

Seconded: Commissioner Simons

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Whitney, Garland, Simons and Clifton

Nays: None

Motion: Passed

Item 2:

Midway Heritage Development is proposing an amendment to the Land Use Code Section 16.5.3.i2c of the Midway City Municipal Code. The proposed amendment would clarify what part of a structure counts towards the gross square footage.

Planner Henke gave a presentation

Current Code

- Section 16.5.3.i.2.c
 - C-2 & C-3 allow mixed use
 - 20% of the gross square feet of all structures must be commercial
 - Up to 80% of the gross square feet may be residential
 - Properties less than an acre are limited to 1 residential unit
 - Properties greater than an acre may have up to 20 units per acre

Proposed Amendment

- Section 16.5.3.i.2.c
 - The proposed change would clarify the area of a structure that is counted towards gross square feet when calculating commercial area and residential area in a mixed-use project
 - Current language:
 - A minimum of 20 percent of the gross square feet of all structures on the lot must be deed restricted as commercial.
 - Proposed language:
 - A minimum of 20 percent of the gross square feet of all structures (excluding residential garages) on the lot must be deed restricted as commercial.

Proposed Code

- Impact
 - The proposed language would change the residential structure area included in the formula to not include garage areas
 - The impact of this change is the amount of gross square feet required for commercial would be reduced.
 - Vast majority of Midway is zoned residential already, the proposed change allow even more residential as compared to commercial in mixed-use developments

Developer Justification

- Garages should not be counted as a “residential structure” for the following reasons:

1. They are typically not included when calculating residential square feet.
 2. This discourages covered garages and encourages street/surface parking.
 3. This increases commercial requirements when the applicant is being asked to reduce them.
- Making this change will encourage covered (and hidden) parking massively improving the aesthetic of the community. It will also reduce the commercial requirement which will result in more open space and fewer two-story buildings on Main Street. This all amounts to a safer more beautiful and more walkable village. Larger garage space doesn't increase the number of residents or traffic, but adds to the cleanliness, safety and aesthetic.

Possible Amendment

- Limit the change to mixed-use properties over 15 acres
 - This would limit the change to only the largest mixed-use developments
 - Specifically for The Village proposal
 - Commercial square feet for the approved concept plan: about 50,000 square feet
 - Commercial square feet in the zone change plan: minimum of 48,500 square feet
 - Because more property is zoned commercial, all the structures are included in the formula instead of only the structures in the current C-2 zone area

Proposed Language

- 3. Lot greater than 15 acres:
 - a. Frontage: 200 feet
 - b. Up to 20 residential units per acre
 - c. A minimum of 20 percent of the gross square feet of all structures (excluding residential garages) in the development must be deed restricted as commercial.

Proposed Findings

- The proposed code would only impact mixed-use developments greater than 15 acres
- Midway would continue to protect the limited area that is zoned commercial
- The proposed amendment complies with the vision of Main Street as described in the General Plan

Commissioners and Staff Comment

There was a discussion to clarify that it is for a total commercial requirement, not every building needs to have 20 percent commercial.

There was a discussion about the garages. It was clarified that they will be underground. If some of the units cannot have a garage below, the garages will be on the main level and the residential on the second floor if that was the case.

Dan Luster stated via Zoom that they did not want garages in the front for aesthetics, they preferred ally access and most of the units will have below ground alley access.

One of the main reasons they want to do this is to help them by providing a homeowner a below 4 car garage that would give the homeowner a place for their cars and some storage and to help with street parking and with clutter, such as someone putting a motorcycle on a porch.

There was a discussion regarding density and Dan Luster stated that the density has dropped from 14 units per acre to 10 units per acre. One of the reasons for these changes is to help the commercial buildings closest to Main Street lower in height and not restrict the view to Memorial Hill more than needed.

Public Comment Open

None

Public Comment Closed

Motion: Commissioner Ream: I make a motion that we recommend approval of the amendment to the Land Use Code Section 16.5.3.i2c of the Midway City Municipal Code. The proposed amendment would clarify what part of a structure counts towards the gross square footage. Accept findings in the staff report and that with the change to up the acreage to 25 acres.

Seconded: Commissioner Simons

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Whitney, Garland, Simons and Clifton

Nays: None

Motion: Passed

Item 3:

Berg Engineering, agent for Midway Springs LLC Series II is requesting a Master Plan Amendment for The Remund Farms Planned Unit Development. The proposal would revise the building pad sizes in Phases 4 and 5 to match the building pad sizes in Phases 1 – 3. The subdivision is on 13.32 acres and is located at 400 North Farm Hill Lane and is in the R-1-15 zone.

Planner Robinson gave a presentation.

Land Use Summary

- **Overview:** Adjust the sizes of building envelopes and add one deck
- Phase 4
 - Seven Building Pads
 - 4.14 Acres in Phase
 - 1.29 Acres Open Space

- Phase 5
 - Ten Building Pads
 - 9.22 Acres in Phase
 - 5.64 Acres Open Space
- Private Roads
- Sensitive lands include wetlands
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

Amending A Master Plan

- Remund Farms Master Plan Agreement
 - Section 5
 - Agreement may be amended only by mutual consent by the City and the developer
 - The city is under no obligation to change the approved master plan

Master Plan Approval

- Master Plans must demonstrate that approval of the project in multiple phases can occur such that the project can still function autonomously if subsequent phases are not completed
 - Sufficient property
 - Water rights
 - Roads (traffic circulation)
 - Sensitive lands protection
 - Open space

Proposed Amendments

- Proposed amendments
 - Add private area behind one unit
 - The proposed private area is 10' deep along the rear of the unit
 - Adjust the pad dimensions for units 79-83 (Ph. 4) and units 91-97 (Ph. 5). Some units become larger, and some become smaller
 - Adjustments to the twelve footprints result in an overall square footage increase of 2,760 SF
 - Proposed adjustments result in some units encroaching closer to wetlands
 - Proposed adjustments result in decrease in two setbacks in phase 5

Possible Findings

- The proposed master plan appears to meet the requirements of the code
- The building pads for twelve of the seventeen units will change in size creating an overall increase in building square footage and reduction in open space
- The setbacks from the proposed building pads to two of the peripheral boundaries in phase 5 will decrease. Setbacks in phase 4 will remain the same

- One public trail will be paved and the funds for the construction of a second trail will be contributed to the general trails fund as part of the subdivision. Both trails will benefit members of the community
- Amending the master plan is discretionary and the city is under no obligation to approve the proposal even if it complies with the land use code

Proposed Conditions

1. The applicant will be required to pave an existing trail along Swiss Paradise Lane to be 6' in width. They will also be required to pave a 10' trail connecting the Swiss Paradise Lane trail, along the easement over Swiss Paradise lot 3 and into the sidewalk at the end of the cul-de-sac in phase 4 of Remund Farms.
2. The applicant will be required to contribute the funds associated with installing the 8' asphalt trail from Farm Hill Lane to 200 East to the general trails fund. The funds will be used when the trail is completed in the future as part of a larger improvement project.
3. The applicant will survey the boundaries of the wetlands and then install temporary construction fencing when the site improvements begin for both phases as well as when homes are constructed in both phases.

Commissioners and Staff Comment

The city is asking to have Remund Farms the south trail would be improved to a 10' Trail (see slide of the trail) and contribute to the trail fund (see slide) as a condition for the changes to the Master Plan. Finding 4 (see conditions)

There was a discussion about the wetland setback and the 60 foot setback. The wetland setback is a buffer that city has imposed. There are no setback or buffer do not impede on any state or federal laws regarding the wetlands

Motion: Commissioner Simons: I make a motion that we recommend approval for the Master Plan Amendment for The Remund Farms Planned Unit Development. The proposal would revise the building pad sizes in Phases 4 and 5 to match the building pad sizes in Phases 1 – 3. The subdivision is on 13.32 acres and is located at 400 North Farm Hill Lane and is in the R-1-15. We accept findings in the staff report and adding the conditions that are in the staff report, including the 3rd condition added to the staff report.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Whitney, Garland, Simons and Clifton

Nays: None

Motion: Passed

Item 4:

Berg Engineering, agent for Jared and Kurt Wilson Farm LLC, is requesting final approval for an

8-lot standard subdivision to be known as The Farm at Wilson Lane subdivision. The subdivision is on 10.28 acres and is located at 1500 North Canyon View Road and is in the RA-1-43 zone.

Planner Robinson gave a presentation.

Land Use Summary

- RA-1-43 Zone
- Eight Lot Standard Subdivision
- 10.28 Acres
- Proposed public cul-de-sac road
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

Waterboard Recommendation

- 10.28 acre parcel (447,796.8 sq. ft.)
 - Impervious area for lots
 - 1.47 acres (8 x 8,000 = 64,000 sq. ft.)
 - Irrigated acreage
 - 8.1 acres x 3 = 24.3 acre feet (includes park strips)
- 8 culinary connections
 - 6.4 acre feet
- 30.7 acre feet requirement

Possible 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
- 1.54 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 Canyon View Drive
- The duration of final approval shall be for one year from the date of final approval of the development by the City Council. Should a final plat not be recorded by the County Recorder within the one-year period of time, the development's approval shall be voided, and both preliminary and final approvals must be re-obtained, unless, on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions

Proposed Conditions

No conditions

Motion: Commissioner Simons: I make a motion that we recommend approval for an 8-lot standard subdivision to be known as The Farm at Wilson Lane subdivision. The subdivision is on 10.28 acres and is located at 1500 North Canyon View Road and is in the RA-1-43 zone. We

accept findings in the staff report.

Seconded: Commissioner Whitney

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Whitney, Garland, Simons and Clifton

Nays: None

Motion: Passed

Item 5:

Berg Engineering, agent for Paul Haynie is requesting preliminary/final approval of a 3-lot density reduction subdivision to be known as Haynie Subdivision. The proposal is on 4.28 acres and is located at 151 East 600 North and is in the R-1-22 zone.

Planner Robinson gave a presentation.

Land Use Summary

- R-1-22 Zone
- Density reduction subdivision - 3 building lots
- 4.28 acres (4.29 acres needed for three lots)
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line
- The lots would be deed restricted from being further subdivided
- The 4.28-acre lot is considered a lot-of-record

Density Determination

The property currently has 4.28 acres. The density reduction section of the land use code allows for 0.70 lots per acre.

- $4.28 \text{ (acres)} \times 0.7 \text{ (lots/acre)} = 2.996 \text{ lots}$

Staff would be comfortable with adopting a policy relating to density reduction subdivisions, if they are within .01 of a lot, that we round up to the whole lot. In this case, they would have 3 buildable lots

Waterboard Recommendation

- The Water Board has recommended that 13.2-acre feet are tendered to the City before the recording of the plat. The Water Board also recommended secondary water meters are installed on each lot.

Possible Findings

- The proposed lots meet the minimum requirements for the R-1-22 zone.
- The proposal does meet the intent of the General Plan for the R-1-22 zone.
- The proposal does comply with the requirements for the Density Reduction Subdivision

code.

- The subdivision helps comply with the vision stated in the General Plan to preserve open space and a rural atmosphere.
- The lots will be deed restricted so it can never be further subdivided.
- The duration of Preliminary/Final Approval shall be for one year from the date of approval of the development by the City Council. If the Final Plat is not recorded with the County Recorder within the one-year period, the development's approval shall be voided, and both Preliminary/Final Approvals must be re-obtained to reinstate the project, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that:
 - Construction must be conducted per any new City standards in effect at the time the plat is ultimately recorded.
 - The property must be maintained in a clean, dust-free, and weed-free condition always.
 - Each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or
 - No more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

Proposed Conditions

1. The deed restrictions that will be recorded towards the lots must be submitted to the City for review and recorded immediately after the plat is recorded.
2. A note on the plat is included with language that clearly states that subdividing the lots is prohibited except for as outlined in the development agreement.
3. The funds to build the bike trail are added to the general trails fund and that the bike lane is completed in the future as part of a larger improvement project that will complete the bike lanes along the entirety of 600 North.

Commissioners and Staff Comment

There was a short conversation regarding the driveway access. It was clarified that all three lots will share one driveway and the two new lots will branch into their lots from the one driveway with the 3rd lot at the rear of the subdivision using the entirety of the driveway for their access.

Motion: Commissioner Whitney: I make a motion that we recommend final approval of a 3-lot density reduction subdivision to be known as Haynie Subdivision. The proposal is on 4.28 acres and is located at 151 East 600 North and is in the R-1-22 zone. We accept findings in the staff report and all the conditions that are in the staff report. Also add a condition that the road be paved. We also approve to include the change to the driveway, that it becomes an easement for access and for utilities to the third lot.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners Ream, Whitney, Garland, Simons and Clifton

Motion: Passed

Item 6:

Berg Engineering, agent for Jordan Law, is requesting a review of a concept plan for a 4-lot standard subdivision to be known as Mill Canyon Farms subdivision. The proposal is on 10.16 acres and is located at 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

Items for Discussion

- **15 % Open Space Requirement** – Must show how the open space requirement is satisfied
- **ROW Dedication** – Must dedicate the ROW for Street Lane and the 970 South extension. Street Lane improved with this application; 970 South improved in the future by others
- **Trails** – Must dedicate a 15' trail easement along the future 970 South ROW and also along the Snake Creek channel
- **Sensitive Lands** – Snake Creek passes through the property which includes significant FEMA floodplains and floodway

Commissioners and Staff Comment

Paul Berg asked about which side the trail easement would be. Michael stated that it isn't easy to pick a side at this time. We can not force the trail easement placement to the future homeowner.

All commissioners liked the plan.

No Motion on Concept Plan

Item 7:

Ronald Spratling is requesting a review of two concept plans for a 11-lot standard subdivision to be known as La Antigua subdivision. The proposal is on 10.30 acres and is located at 850 E Main Street and is in the R-1-15 zone.

Item 7:

Ronald Spratling is requesting a review of two concept plans for a 11-lot standard subdivision to be known as La Antigua subdivision. The proposal is on 10.30 acres and is located at 850 E Main Street and is in the R-1-15 zone.

Planner Robinson gave presentation.

Land Use Summary

- R-1-15 Zone
- Existing home on the property
- Eleven Lot Standard Subdivision
 - Concept #1 - Open Space is within common area
 - Concept #2 - Open Space is within privately owned lot
- 10.3 Acres
- Proposed cul-de-sac public road
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

Items for Discussion

- **15 % Open Space Requirement** - This can be dedicated open space/common area or within a private lot if it is a minimum of 2 acres in size. Open space must be restricted to ensure it is kept open.
- **ROW Dedication** - Applicant will need to ensure that they dedicate and improve the necessary ROW for Main Street.
- **Park** - If the applicant pursues a park, the park should be owned and maintained by an HOA.

Commissioners and Staff Comment

Paul stated that both concepts meet code.

He stated that with concept 2 would not require an HOA which some people do not want them.

He stated concept 1 would be nicer but would require the HOA and a maintenance plan. There was a discussion regarding the water in the pond and how it is fed.

All commissioners stated that they liked concept 1, the park area, the open area to the south and the curvy cul-de-sac. The cul-de-sac could also be shortened, to lessen the impervious surface and keep the park area greener.

Ronald Spratling stated that the lawsuit found that the maintenance for the pond is maintained by the Johnson Property, but the lawsuit did not restrict the use of the pond to one or the other property.

The road would need to possibly improve Main Street.

No Motion on Concept Plan

Adjournment

Motion: Commission Simons

Second: Commissioner Garland

8:48pm

Jeff Nicholas

Chairman – Jeff Nicholas

Melannie Egan

Admin. Assistant – Melannie Egan

Approved