

Midway City Planning Commission Regular Meeting Minutes June 10, 2025

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., June 10, 2025, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Andy Garland – Chairman
Andrew Osborne
Craig Knight
Kim Facer (Alt)
Kelly Lineback- Vice Chair
Suellen Winegar (Alt)
Travis Nokes
Genene Miles

Staff

Michael Henke – City Planner
Melannie Egan – Planning Tech
Katie Villani – Planner
Wes Johnson – City Engineer
Craig Simons- City Council

Excused

Laura Wardle

Liaison Report

6:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
 - Invocation was given by Andrew Osborne

Item 1:

Brad Wilson to swear in Suellen Winegar as an alternate Planning Commission member.

Item 2:

Review and possibly approve the Planning Commission Meeting Minutes of May 13, 2025.

Motion: Commissioner Knight: I make a motion that we approve the Planning Commission Meeting Minutes of May 13 2025.

Seconded: Commissioner Miles

Chairman Garland: Any discussion on the motion?

Chairman Garland: All in favor.

Ayes: Commissioners Lineback, Osborne, Miles, Knight, Winegar, Facer

Nays: None

Motion: Passed

Item 3:

Berg Engineering, agent for Midway Heritage Land Holding LLC, is requesting an amendment of the Midway City Code Chapter 16.13.390 (L): Off-Street Parking and Loading. The proposed amendment would allow an underground parking structure to be a permitted use.

Current Code

- Parking Structures are not allowed. A parking structure is defined as a building designed for car parking and where there is more than one floor or level on which parking takes place. It is essentially an indoor, stacked parking lot.

PC's Discussion

- After much debate by the Planning Commission, review of other cities' parking structure ordinances, and creating draft language that would allow parking structures in Midway, the Planning Commission decided to recommend not allowing parking structures in the commercial zones. The reason for not allowing parking structures in Midway is based on the idea that a parking structure would not match the vision of the community as described in the General Plan. If a developer would like to build one in the future, they could always apply to amend the code. They would need to convince the City Council that their proposal would match the vision of Main Street and convince them that the structure was in the best interest of the community. If they were successful, then the code could be amended to allow it. This recommendation leaves the most control for the City Council over parking structures.
- Some items to consider with parking structures is the impact they have on the community. Parking structures have a visual impact on the community, but they take up less valuable commercial space. While a ground level parking will have an impact on the community regarding a large footprint, greater drainage, and a greater urban heat island

Applicant's Proposed Code

- *Parking structure allowed as a Conditional Use*
- *A parking structure is defined as a building designed for car parking and where there is more than one floor or level on which parking takes place. It is essentially an indoor, stacked parking lot.*

Staff's Alternate Code

A parking structure is defined as a building designed for car parking and where there is more than one floor or level on which parking takes place. It is essentially an indoor, stacked parking lot. Parking Structures are not allowed except if all the following requirements are met:

1. Only one layer of parking is visible.

2. Any lower parking levels are below natural grade and shall not be visible from adjacent streets, neighboring properties, or within the development
3. Berms shall not be used to create a visual barrier for lower-level parking or to create a new “natural grade”.
4. Access ramps to below natural grade parking shall not direct access from Main Street, Center Street, or from the Town Square (100 North, 100 West, and 200 West).
5. Access ramps to below natural grade parking shall not exceed 10%.
6. Below natural grade parking lots with more than 150 parking stalls below natural grade shall have two accesses.
7. At grade parking shall comply with other surface level parking requirements.
8. Amenities may be installed above the below natural grade level parking.
9. Any area gained by creating below natural grade parking cannot be used to create more building area. Any area gained must be used for landscaping or amenities.
10. At the time of building permit, below grade parking lots must provide for lighting, ventilation, storm water runoff, groundwater and all applicable codes.

General Plan

The General Plan promotes preserving the charm and feel of Midway and it also promotes addressing parking issues by finding creative solutions to parking issues. The Midway General Plan states the following regarding these issues:

Economic Goals and Guidelines (page32)

- Goal 1, Guideline 10: Support parking solutions that will support businesses, public uses, and civic needs and allow for shared parking opportunities.
- Goal 3, Guideline 1: Determine the best locations for commercial and retail services as well as the infrastructure and code changes or incentives required.
- Main Street Parking (page 67): Parking – Parking is quickly becoming a significant issue along the corridor. The City, in concert with businesses, can use several strategies to alleviate this problem.
- Modify parking requirements by possibly decreasing the number of stalls required in conjunction with the creation of public parking lots.
- Encourage businesses to develop shared parking partnerships that combine parking and reduce overall land consumption.
- Main Street Introduction (page 64): Main Street is the economic, architectural, and historical heart of the community. The most powerful and lasting image associated with Midway is Main Street. This commercial core should be developed as a distinctive shopping and business area emphasizing it as an attractive meeting place and staging area for festivals, special events, celebrations, and a variety of community activities which will produce a vibrant and healthy community centerpiece. Midway has a unique small-town and village feel. **It is an important goal of the community to preserve the charm of Midway, especially along Main Street.**

Possible Findings

- The proposal will allow parking structures
- One level of parking would be visible
- Any additional levels of parking would be below natural grade
- Access ramp locations would be limited
- Building area will not increase if below natural grade parking is allowed
- The proposal is a legislative action

Comments

Dan Luster spoke to the commissioners, and he explained why they are concerned about parking in the future if the restaurants become successful, they don't want to have cars parked all around the town and all of the streets. Underground parking makes sense and solves a possible parking problem in the future, like so many other businesses that already exist around town. Dan Luster also believes that this could solve future problems along with creating workforce housing and have parking for those small homes for future workers that could benefit with underground parking.

Travis Nokes loves the idea and he thinks this is an ingenious way to solve a huge problem.

Change the street names in the code to level of service categories, in case a different street changes to a different category.

Andrew Osborne stated that his main take away from what he is heard. Cars are density, they are a blight. He thinks that this plan is so forward thinking and brilliant and so forward thinking.

Scott Lewis stated that he would also like to add parking under some of the open space landscaping as well.

Wes Johnson would like to have Dan and Scott to look at other ways for water retention.

Kelly Lineback stated that she likes the idea of solving a possible parking issue and helping to solve some of the workforce housing problems.

Motion: Commissioner Nokes: I make a motion that we recommend approval of a code text amendment of the Midway City Code Chapter 16.13.390: Off-Street Parking and Loading, The proposed amendment would allow an underground parking structure to be a permitted use.

With the following changes: the additional parking must be underground, any building built on a underground car park meets the 35' height restrictions, instead of using the actual names of the streets in the language regarding access points, change to a level of traffic for future growth. The ramps need to be no more than a 10% or less slope, covered, indoor or heated. Must have an amenity, on the surface level such as landscaped area, building a parking lot, designated open space that is attractive and flows with the goals and the look and feel of Midway. We accept the staff report and the staff findings.

1. **Seconded:** Commissioner Lineback
2. **Chairman Garland:** Any discussion on the motion?
3. **Chairman Garland:** All in favor.
4. **Ayes:** Commissioners: Lineback, Osborne, Nokes, Miles, Knight and Facer
5. **Nays:** None
6. **Motion:** Passed

Item 4:

Proposed code text amendment of the Midway City Code Chapter 16.13.390: Off-Street Parking and Loading, B. Location and Control of Parking Facilities, (2), to clarify that the City will not enter into parking agreements for parking in the City right-of-way and to further clarify that parking agreements entered into by the City are not subject to automatic renewal but remain at the discretion of the City

Council.

Direction from City Council

- Proposed code text amendment to Midway City Code Section 16.13.390: Off-Street Parking and Loading, B. Location and Control of Parking Facilities, (2)
- To clarify that the City will not enter into parking agreements for parking in the City right-of-way and to further clarify that existing parking agreements entered into by the City are not subject to automatic renewal but remain at the discretion of the City Council

Existing Code

- The Midway Municipal Code regulates location and control of parking facilities at Section 16.13.390 (B), which provides:

B. Location and Control of Parking Facilities. The off-street parking facilities required by this Ordinance shall be located on the same lot or parcel of land as the use they are intended to serve except if the following apply:

1. *A cross parking agreement has been entered into with a neighboring party; said agreement must be approved by City Council.*
2. *75% of the required parking may be located off-site at a city approved and designated area. If outdoor dining required parking stalls, 100% of the required parking for the outside dining area may be located off-site at a city approved and designated area. A parking stall fee will be assessed with the approval of the initial issuance of the business license and an annual fee per required stall will be assessed at the time of business license renewal each year. The required fee will be adopted by the City Council as part of the City's fee schedule.*

Background

- City Council has authorized parking agreements for City owned parking.
- City Council seeks to clarify that such parking agreements do not automatically renew but remain subject to the discretion of the then sitting City Council.
- Additionally, recognizing that parking in the City right-of-way is meant to benefit all users, except where otherwise authorized under City Code, the City Council seeks to restrict this code provision to City owned parking NOT in the right-of-way.

Proposed Code

*2. 75% of the required parking may be located off-site at a city approved and designated area **that is not in the right-of-way**. If outdoor dining required parking stalls, 100% of the required parking for the outside dining area may be located off-site at a city approved and designated area **that is not in the right-of-way**. A parking stall fee will be assessed with the approval of the initial issuance of the business license and an annual fee per required stall will be assessed at the time of business license renewal each year. **Renewal is not automatic and remains at the discretion of the City Council**. The required fee will be adopted by the City Council as part of the City's fee schedule.*

Possible Findings

1. Parking spots in the City right-of-way traditionally have been meant for everybody on a first come first serve basis. Trying to reserve spots contradicts this principle. It also may result in inefficient use of parking and pose challenges regarding enforcement.
2. The proposed amendment is consistent with traditional use of right-of-way parking and consistent with the current Midway General Plan, Land Use Goals and Guidelines, and Economic Goals and Guidelines for parking in the commercial district.
3. The proposed amendment is not intended to affect or negate the exceptions set forth in Midway Code 16.13.390 (F)(2), which allows the City Council to permit parking in the right-of-way in commercial zones where *“a significant landscaped or open area (a minimum of forty-five (45) feet in width and 0.15 acres is preserved by incorporating the required off-street parking into the street right-of-way)”*.

Alternative Actions

1. Recommendation of Approval. This action can be taken if the Planning Commission finds that the proposed language is an acceptable amendment to the City’s Municipal Code.
 1. Accept the staff report
 2. List accepted findings
2. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.
 1. Accept the staff report
 1. List accepted findings
 2. Reasons for continuance
 3. Unresolved issues that must be addressed
 4. Date when the item will be heard again.
3. Recommendation of Denial. This action can be taken if the Planning Commission finds that the proposed amendment is not an acceptable revision to the City’s Municipal Code.
 1. Accept the staff report
 2. List accepted findings
 3. Reasons for denial

Public Hearing Open

None

Public Hearing Closed

Motion: Commissioner Knight: I make a motion that we recommend approval code text amendment of the Midway City Code Chapter 16.13.390: Off-Street Parking and Loading, B. Location and Control of Parking Facilities, (2), to clarify that the City will not enter into parking agreements for parking in the City right-of-way and to further clarify that parking agreements entered into by the City are not subject to automatic renewal but remain at the discretion of the City Council. We accept the staff report and the staff findings.

Seconded: Commissioner Nokes

Chairman Garland: Any discussion on the motion?

Chairman Garland: All in favor.

Ayes: Commissioners: Lineback, Osborne, Nokes, Miles, Knight and Facer

Nays: None

Motion: Passed

Item 5:

Proposed Amendment of the Midway City Code Chapters 16.07.020, 16.08.020, 16.09.020, 16.10.020, 16.11.020, 16.12.020: Permitted Uses (all residential zones). The proposal would raise the points for chickens, pigeons, pheasants and other similar birds from two (2) to five (5).

Code Text Amendment

- Proposed code text amendment to Midway City Code Sections 16.07.020, 16.08.020, 16.09.020, 16.10.020, 16.11.020, and 16.12.020 Permitted Uses (all residential zones) to raise the points for rabbits, hens (females), pigeons, pheasants, and other similar birds at H(2)(a) in each section from two (2) to five (5) points for purposes of calculating the number of animals permitted in each residential zone.

Existing Code

- The Midway Municipal Code regulates *“the keeping of animals and fowl in numbers according to the following point system on lots/parcels that are at least one acre in size.”* Each of the referenced sections at subsection (H) provides:
 1. *Animals may total 50 points per ½ acre.*
 2. *Animals shall be worth the following points each:*
 - a. *Rabbits, hens (female), pigeons, pheasants, and other similar birds; 2 points.*
 - b. *Geese, ducks, peafowl, turkey and other similar birds; 10 points;*
 - c. *Sheep, llamas, calves, foals, and other similar sized animals; 25 points;*
 - d. *Horses, cattle, and other similar sized animals; 40 points;*
 - e. *For the purpose of this point system, an animal and one offsprings shall be considered to be one animal until 6 months after the birth of the offspring.*

Background

- Ongoing code enforcement for violations involving birds.
- Code text amendments fall under the category of legislative action. Therefore, the City Council has broad discretion regarding the proposal.

Proposed Code

The proposed amendment is to replace “2 points” with “5 points” at H (2)(a) in each of Midway Code Sections 16.07.020, 16.08.020, 16.09.020, 16.10.020, 16.11.020, and 16.12.020.

Discussion

- The City receives ongoing complaints regarding birds in residential zones. For example, complaints received last year included thousands of pheasants kept on an approximately one acre lot with home necessitating enforcement. Chickens and roosters are ongoing complaints.

The current code allows 25 hens, pheasants, and similar sized birds per half acre, or 50 per acre. The proposed amendment would allow 10 such birds per half acre, or 20 per acre.

- With increasing development and infill, increasing the points and in turn reducing numbers of birds in residential areas may aid enforcement and better suit residential zones.
- The increase to 5 points makes the classification more consistent with the general point system set forth in this section, which makes geese, ducks, and turkeys worth 10 points. Chickens and pheasants would now be worth half the point value of geese, ducks, and turkeys rather than 1/5th.

Possible Findings

1. The current code allows 25 hens, pheasants, and similar sized birds per half acre, or 50 per acre. The proposed amendment would allow 10 such birds per half acre, or 20 per acre
2. The City receives ongoing complaints about birds. With increasing development and infill, increasing the points and in turn reducing numbers of birds in residential areas may aid enforcement and better suit residential zones.
3. The increase to 5 points makes the classification more consistent with the general point system set forth in this section, which makes geese, ducks, and turkeys worth 10 points. Chickens and pheasants would now be worth half the point value of geese, ducks, and turkeys rather than 1/5th.

Alternative Actions

1. Recommendation of Approval. This action can be taken if the Planning Commission finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 1. Accept the staff report
 2. List accepted findings
2. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.
 1. Accept the staff report
 1. List accepted findings
 2. Reasons for continuance
 3. Unresolved issues that must be addressed
 4. Date when the item will be heard again.
3. Recommendation of Denial. This action can be taken if the Planning Commission finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 1. Accept the staff report
 2. List accepted findings
 3. Reasons for denial

Public Hearing Open

None

Public Hearing Closed

Motion: Commissioner Linebeck: I make a motion that we recommend approval of the proposed amendment of the Midway City Code Chapters 16.07.020, 16.08.020, 16.09.020, 16.10.020, 16.11.020, 16.12.020: Permitted Uses (all residential zones). The proposal would raise the points for chickens, pigeons, pheasants and other similar birds from two (2) to five (5). We also approve the staff report and staff findings.

Seconded: Commissioner Miles

Chairman Garland: Any discussion on the motion?

Chairman Garland: All in favor.

Ayes: Commissioners: Linebeck, Osborne, Nokes, Miles, Knight and Facer

Nays: None

Motion: Passed

Item 6:

Amendment of Midway City Code Chapter 16.16: Planned Unit Developments & Standard Subdivisions and Chapter 16.17: Small Subdivisions, to reduce allowed density for subdivisions that do not require open space. The proposed amendment will require lots to be 15% larger than the minimum allowed when there is not an open space requirement. Continued from the May 13th Planning Commission meeting.

Density and Open Space

- Amendment to 16.16: Planned Unit Developments & Standard Subdivisions
- Amendment to 16.17: Small Subdivisions
- Proposed amendment will require lots to be 15% larger than the minimum size allowed when there is not an open space requirement

16.16.120

Open Space Requirements- Specific to Standard Subdivisions

- All standard subdivisions six or more acres in size located in the R-1-11, R-1-15, R-1-22 zones, and all standard subdivisions ten or more acres in size located in the RA-1-43 zone shall reserve a minimum of 15 per cent of the total acreage of the subdivision in open space. *If a subdivision is not required to provide open space, then each lot shall be 15% larger than the minimum acreage specified in the zoning requirements set forth in Title 16.*

16.17.040 Lot Size (Small Scale)

- The minimum permitted lot size allowed in a small subdivision for each zone shall be as specified in the zoning requirements set forth in Title 16 *except for subdivisions that do not require open space. If a subdivision is not required to provide open space, then each lot shall be 15% larger than the minimum acreage specified in the zoning requirements set forth in Title 16.*

Density and Open Space

Standard subdivision examples of open space and proportional frontage and acreage reduction		
	Open Space Provided	Proportional reduction allowed
Subdivision along listed streets with a 100' setback	15%	15%
Subdivision not requiring a 100' setback	15%	0%
Subdivision along listed streets with a 100' setback	35%	35%
Subdivision not requiring a 100' setback	35%	20%

Roads with 100' Setbacks

- Burgi Lane;
- River Road;
- Pine Canyon Road;
- Homestead Drive;
- Michie Lane, east of Center;
- Center Street, south of Main Street (SR 113);
- Tate Lane;
- Stringtown Road;
- 200 North, west of 200 West.
- Cari Lane
- 500 South
- 600 North

Density and Open Space

- General Plan promotes reducing density when appropriate and preserving a feeling of neighborhood openness.

Land Use Goals and Guidelines

- Goal 2, Guideline 1: Consider reviewing the Municipal Code to possibly reduce density where appropriate.
- Goal 6, Guideline 3: Consider reviewing the Municipal Code to possibly reduce density when appropriate or to concentrate density in small areas surrounded by open areas.
- 3. CREATE LOCAL NEIGHBORHOOD "OPENNESS"
- A sense of spaciousness in residential communities is provided by large setbacks, establishment of view corridors through restriction on view obstructing fences or structures, small community use areas (playgrounds, etc.), larger lot size zoning, and density regulations. For the most part, these features are required by city code, and not realized by open space

acquisition. Recent revisions to city code have supported this objective, and further revisions can assist in its further realization.

- Page 89: Preserving open space can range from reasonable land use regulations, such as setbacks in residential neighborhoods, to partnering with willing landowners and other entities, organizations, and individuals to create a conservation easement on a large parcel of agricultural land.
- Goal 4, Objective 1: Consider land use laws that will help to preserve open space.

Items of Discussion

- Complexity of Code
 - For example, someone will identify the RA-1-43 zone as an acre zone, but in reality, it is a 1.15-acre zone (in most cases). The only way that someone would identify this is if they read the specific subdivision codes.
- Will, most likely, require meeting with staff to understand the details of the code.
- Legislative action.

Possible Findings

- The proposal will make densities equal for all standard subdivisions, small- and large-scale, except those that require a 100' setback
- Small acreage subdivisions will be required to have open space included within each individual lot
- The proposal will reduce density in some, but not all, smaller acreage subdivisions
- Required acreage will increase but frontage and width requirements will remain unchanged
- The General Plan promotes reducing density when appropriate
- The General Plan promotes neighborhood openness and requiring larger lots will help implement this vision
- The proposal will make it more difficult for someone to understand the potential density of a subdivision

Impact

- 21 subdivisions in R-1-11, R-1-15, R-1-22, & RA-1-43 that did not have required open space
- 14 – no change (66%)
- 6 – lose 1 lot (29%)
- 1 – lose 2 lots (5%)

Possible Findings

- The proposal will make densities equal for all standard subdivisions, small- and large-scale, except those that require a 100' setback
- Small acreage subdivisions will be required to have open space included within each individual lot
- The proposal will reduce density in some, but not all, smaller acreage subdivisions
- Required acreage will increase but frontage and width requirements will remain unchanged
- The General Plan promotes reducing density when appropriate
- The General Plan promotes neighborhood openness and requiring larger lots will help

implement this vision

- The proposal will make it more difficult for someone to understand the potential density of a subdivision

Motion: Commissioner Osborne: I make a motion that we recommend approval of a amendment of Midway City Code Chapter 16.16: Planned Unit Developments & Standard Subdivisions and Chapter 16.17: Small Subdivisions, to reduce allowed density for subdivisions that do not require open space. The proposed amendment will require lots to be 15% larger than the minimum allowed when there is not an open space requirement. We accept the findings with no conditions. We also recommend that we increase all open space across the city to 25%.

Seconded: Commissioner Knight

Chairman Garland: Any discussion on the motion?

Chairman Garland: All in favor.

Ayes: Commissioners: Lineback, Osborne, Nokes, Knight and Facer

Nays: Miles

Motion: Passed

Adjournment

Motion: Commissioner Osborne

Second: Commissioner Miles

8:20 PM

Chairman – Andy Garland

Planning Department