



## **PLANNING COMMISSION STAFF REPORT**

**DATE OF MEETING:** June 10, 2025

**NAME OF APPLICANT:** City of Midway

**AGENDA ITEM:** Code Text Amendment to revise Midway 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.

### **ITEM: 4**

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.

### **BACKGROUND:**

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.*

Pursuant to this code provision, the City Council has authorized parking agreements for City owned parking. However, the 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. Similarly, 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.

The proposed amendment of Section 16.13.390 (B)(2) is as follows (proposed amendment highlighted in bold font):

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.*

Code text amendments fall under the category of legislative action. Therefore, the City Council has broad discretion regarding the proposal.

## **DISCUSSION:**

- The Midway General Plan, Land Use Goals and Guidelines, provides as Goal 1: “To provide for residential areas in Midway that support and complement the unique resort and rural quality of the City.” Guideline 1 provides:

*Mitigate impacts of land uses which would adversely impact outlying residential areas, i.e., increased traffic, density, noise, visual disharmony, etc., by requiring adequate open areas, off-street parking, service parking, and setbacks along main roads and other areas*

*of higher density housing and commercial development.*

- The Midway General Plan, Economic Goals and Guidelines, provides the following:

*Guideline 9: Explore reducing parking requirements by creating public parking areas in the commercial district.*

*Guideline 10: Support parking solutions will support businesses, public uses, and civic needs and allow for shared parking opportunities.*

- The proposed revision does not affect the exceptions set forth in Midway Code Section 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)*”. (see., e.g., The Corner Restaurant, n/k/a Midway Harvest)
- 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.

## **POSSIBLE FINDINGS:**

- 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.
- 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.
- 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.

- a. Accept the staff report
  - b. List accepted findings
2. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.
- a. Accept the staff report
  - b. List accepted findings
  - c. Reasons for continuance
    - i. Unresolved issues that must be addressed
  - d. 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.
- a. Accept the staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED CONDITIONS:**

None