



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: July 15, 2025

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment to Title 16: Off-Street Parking and Loading

ITEM: 9

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.

BACKGROUND:

This item was continued from the July 1, 2025, City Council meeting. Based on the discussion and direction given by the City Council, the proposed code has been modified to reflect the given direction. One section on parking beneath open space has been removed and is now part of proposed Ordinance 2025-19: Parking Agreements which is also on this agenda. The following is the proposed 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 above natural grade.*
- 2. Any lower parking levels (surface parking area to the roof) are*

completely below natural grade and such lower parking level(s) 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 parking levels or to create a new “natural grade”. Visual obstruction or camouflaging cannot change this.*
4. *Access ramps to below natural grade parking shall not have direct access from Main Street, Center Street, River Road or from roads fronting the Town Square which includes the following:*
 - a. *100 North (100 West to 200 West),*
 - b. *100 West (Main Street to 100 North), and*
 - c. *200 West (Main Street to 200 North).*
5. *Access ramps to below natural grade parking shall not exceed 10% grade unless they are protected from the elements or heated to avoid ice and other hazards.*
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 applicable surface level parking requirements.*
8. *Amenities may be installed above the below natural grade level parking and may include landscaping, sports facilities (roofless), and parking.*
9. *Any area gained by creating below natural grade parking cannot be used as additional building area for any structures. Any area gained must be used for landscaping, sports facilities (roofless), or parking.*
10. *At the time of building permit, below grade parking lots must comply with all applicable codes, rules, regulations, and engineering standard specifications and drawings.*

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

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - a. Accept 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. Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

The following is the original staff report from the July 1, 2025, City Council meeting:

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 underground parking structures to be an allowed use, either permitted or conditional. The current code does not allow for any type of vertically stacked parking. Section 16.13.390 (L) states the following:

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.

This section of code that prohibited parking structures in Midway was adopted in 2019. The following is an excerpt from a staff report to the City Council discussing the reason why the Planning Commission recommended that the City Council prohibit parking structures from the Midway Land Use Code:

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.

The City Council did follow the Planning Commission's recommendation, and since 2019, parking structures have not been allowed. The applicant's proposal would allow parking structures as a conditional use. The applicant is proposing the following language:

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 do have some concerns with the proposed approach to amending the code and allowing parking structures as a conditional use but do not have a major concern with the idea of allowing parking structures if specific criteria are met. The main issue is the visual impact of Midway, specifically Main Street. If the stacked parking was located below natural grade so that only one layer of parking could be visible, then any below grade levels would not have a major visual impact on the community. An item that should be considered is not allowing artificial berming to allow for the lower-level parking. Also, consider the visual impact of any lower-level parking access ramps to not face Main Street.

A code text amendment is a legislative action, which means that the City Council has broad discretion. The City Council may approve as petitioned, deny, or approve a modified code different from what is being proposed.

ANALYSIS:

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 (emphasis added):

Economic Goals and Guidelines (page 32)

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.**

Based on the subsequent excerpts, it is clear that the General Plan promotes finding parking solutions but also has the goal of preserving the Charm of Midway, especially along Main Street.

As stated earlier, staff do have concerns about the specifics to the applicant's approach to allowing stacked parking but do not have concern with the general principle. The applicant's proposed code does not specifically state that the layered parking would be below natural grade. Without specific language in the code requiring the parking to be below natural grade, any stacked parking would be allowed. Also, allowing parking structures as a conditional use would require the City to approve any applications but members of the public attend the public hearing and falsely assume the application can be denied. It is better to avoid this scenario and not have a public meeting but instead clearly

state the criteria and regulations for an underground parking structure if it is approved as an allowed use. Also, there are some other visual issues that need to be addressed, such as access ramp location and visibility. Staff would propose the following approach to address these issues. First, the parking structure requirements would be specific and listed in the code which would allow enough guidance so that it could be a permitted use. Second the following language is adopted to control parking structures' impact on the community:

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 (surface parking area to the roof) are completely below natural grade and such lower parking level(s) 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 parking levels or to create a new "natural grade".
4. Access ramps to below natural grade parking shall not have direct access from Main Street, Center Street, River Road or from roads fronting the Town Square which includes the following:
 - a. 100 North (100 West to 200 West),
 - b. 100 West (Main Street to 100 North), and
 - c. 200 West (Main Street to 200 North).
5. Access ramps to below natural grade parking shall not exceed 10% unless they are covered or heated.
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 and may include landscaping, sports facilities, and 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, sports facilities (roofless), or parking.
10. Below natural grade parking is allowed under designated open space if the design of the structure allows the open space to be visually indistinguishable from open space areas that do not have parking below.
11. At the time of building permit, below grade parking lots must provide lighting, ventilation, storm water runoff, groundwater and all applicable codes.

Again, this proposal is a legislative in nature and the City Council has full discretion in this matter. The City Council may deny the request, approve as presented, or approve any modifications the City Council finds necessary to promote the health, safety, and welfare of the community.

PLANNING COMMISSION RECOMMENDATION:

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



Midway

ORDINANCE 2025-_____

AN ORDINANCE TO AMEND SECTION 16.13.390(L) OF THE MIDWAY CITY LAND USE CODE TO ALLOW UNDERGROUND PARKING STRUCTURES.

WHEREAS, pursuant to Utah Code Section 10-9a-509 the Midway City Council may formally initiate proceedings to amend city ordinances; and

WHEREAS, Midway City Code Section 16.13.390(L) governs parking structures and has historically prohibited such structures from being constructed in Midway; and

WHEREAS, Midway Heritage Land Holding LLC has requested an amendment to Section 16.13.390(L) to allow underground parking structures as a conditional use; and

NOW THEREFORE, be it ordained by the City Council of Midway City, Utah, as follows:

The following Section of Chapter 16 shall be amended as follows:

16.13.390 Off-Street Parking and Loading

L. 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 above natural grade.
2. Any lower parking levels (surface parking area to the roof) are completely below natural grade and such lower parking level(s) 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 parking levels or to create a new “natural grade”. Visual obstruction or camouflaging cannot change this.

4. Access ramps to below natural grade parking shall not have direct access from Main Street, Center Street, River Road or from roads fronting the Town Square which includes the following:
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 - b. 100 West (Main Street to 100 North), and
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5. Access ramps to below natural grade parking shall not exceed 10% grade unless they are protected from the elements or heated to avoid ice and other hazards.
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 applicable surface level parking requirements.
8. Amenities may be installed above the below natural grade level parking and may include landscaping, sports facilities (roofless), and parking.
9. Any area gained by creating below natural grade parking cannot be used as additional building area for any structures. Any area gained must be used for landscaping, sports facilities (roofless), or parking.
10. At the time of building permit, below grade parking lots must comply with all applicable codes, rules, regulations, and engineering standard specifications and drawings.

This ordinance shall take effect upon publication as required by law.

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PASSED AND ADOPTED by the City Council of Midway City, Wasatch County, Utah
this ____ day of _____, 2025.

	AYE	NAY
Council Member Jeff Drury	_____	_____
Council Member Lisa Orme	_____	_____
Council Member Kevin Payne	_____	_____
Council Member Craig Simons	_____	_____
Council Member JC Simonsen	_____	_____

APPROVED:

Celeste Johnson, Mayor

ATTEST:

Brad Wilson, City Recorder

APPROVED AS TO FORM:

Corbin Gordon, City Attorney

(SEAL)