

## Midway City Planning Commission Regular Meeting Minutes March 10, 2020

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., March 10, 2020, at the Midway City Community Center  
160 West Main Street, Midway, Utah

### Attendance

Jim Kohler  
Bill Ream  
Heather Whitney  
Craig Simons  
Rob Bouwhuis

### Staff

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

### Excused

Jeff Nicholas  
Jon McKeon  
Michelle Crawford

### 6:00 P.M. Regular Meeting

#### Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
  - Invocation was given by Commissioner Bouwhuis
  - Chairman Kohler led the Pledge of Allegiance

#### Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of February 11, 2020

**Motion:** Commissioner Ream: I make a motion to approve the regular planning commission minutes of February 11, 2020.

**Seconded:** Commissioner Bouwhuis

**Chairman Kohler:** Any discussion the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Ream, Simons, Bouwhuis and Whitney

**Nays:** None

**Motion: Passed**

## **Item 2:**

Vote for Chair and Vicechair

Jeff Nicholas was voted in as Chair  
Rob Bouwhuis was voted in as Vice-Chair

## **Item 3:**

Brad Pelo is petitioning for annexation of the Midway Crest subdivision which contains five lots on 24.16 acres. The property is located south of the Fox Pointe subdivision and is accessed from Fox Den Road. The proposed zoning for the property is RA-1-43 (rural-agricultural 1 acre).

### **Planner Henke gave a presentation**

#### **Land Use Summary**

- 24.16 acres
- County zoning: RA-1
- Proposed Midway zoning: RA-1-43
- Midway Crest Subdivision
  - 5 lots
- Includes Fox Den Road
  - City will be responsible for maintenance of both roads
- Public Trail

#### **Water Will Serve Agreement**

- No further subdividing
- Public trail
- Parks annexation fee
- 900 per lot, \$4,500 total

#### **Items of Consideration**

The City gains control over zoning once an area is annexed. This helps the city assure that uses on the property will be in harmony with the General Plan. If the City does not annex a parcel, then the owners may develop in the County using the County's land use code.

#### **Proposed Findings**

- The City will gain control over land use and zoning if the area is annexed.
- The proposal is a legislative action.
- The proposal will increase density and traffic to the area.
- The density of the project is low at five dwellings on 24 acres. This will help promote the vision of the general plan to preserve open space and a rural atmosphere.

#### **Comments and Questions**

There was a discussion regarding the trail width.

There was a short discussion regarding the powerlines and Michael explained where they were.

There was a discussion about how and why the agreement was taken to City Council before coming to the planning commission.

**Motion:** Commissioner Bouwhuis: I make a motion to recommend approval of annexation of the Midway Crest subdivision which contains five lots on 24.16 acres. The property is located south of the Fox Pointe subdivision and is accessed from Fox Den Road. The proposed zoning for the property is RA-1-43 with the condition that they follow the conditions of the will serve letter, add the slide here of the will serve letter and that we accept the staff findings.

**Seconded:** Commissioner Ream

**Chairman Kohler:** Any discussion the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Ream, Simons, Bouwhuis and Whitney

**Nays:** None

**Motion: Passed**

#### **Item 4:**

Non-entitlement review of a concept plan for the Zenger Property which contains 49 lots. The property is 84 acres and is located at 275 Luzern Road. The property is in the RA-1-43 zone

#### **Planner Henke gave a presentation**

#### **Zenger Annexation**

- 95 acres
- RA-1-43 zone
- Annexed on June 27, 2007
- Limited to 49 lots

On 84 acres (Zenger Property)

- Private Streets
- Public Trails including some off-site trails
- Open Space

18.83 acres (22.16%)

- Park annexation fee of \$47,600

Paid on January 31, 2008

#### **Amendment of the Annexation Agreement**

This agreement may be amended in whole or in part by the mutual written consent of the parties to this agreement or by their successors in interest or assigns.

Developers will submit a conforming application for a subdivision located on the Development

Parcels. The project will consist of no more than 48 lots on at least 84 acres as has been shown on the concept plans submitted to the city for review during the annexation process, unless the City, in its discretion, agrees to alter this provision during the subdivision approval process.

### **2020 Concept Plan**

- 84 acres
- RA-1-43 zone
- 49 lots
- Private streets
- Public and private trails
- Open space
  - 24.99 acres

### **Comments and Questions**

Paul Berg talked about the three versions of the concept plans.

Paul Berg discussed why they upped the open space; it was to give a bit more of a buffer of open space on the edges of the subdivision between Interlaken. One of the reasons that they also opened more open space is that the more open space given the lots can be reduced in size. Instead of the one acre lots, some can be reduced to .85 acres.

The roads would be private but there would be public access.

There was a discussion regarding the open space and the non-irrigated open space.

There was a conversation regarding the dumpsters and that the city needs to find a solution.

There was a discussion regarding the trails and gaining an easement at the bottom of the road coming from Interlaken.

There was a discussion regarding the trails and the various options. Option 1 is the preferred by the committee, and all agreed that any of the three options were better than the 2007 approved plan.

### **No Motion**

### **Item 5:**

Review of a Conditional Use that was approved for Brooke and Christian Duncan for an in-home preschool on their property located at 425 East 600 North. The approval by the City Council required further review by the Planning Commission and City Council after the first school year. The property is in the R-1-22 zone.

## **Preschool Proposal**

- Ages 3-4
- Class of 8-12 students
- Classes 3 days each week
  - Tuesday, Wednesday, and Thursday
- 9am to noon
- Will follow the Wasatch County School District calendar

## **Comments and Questions**

Melannie Egan gave a statement regarding the observation of the drop off and pickup of the children. She stated that she observed this on three occasions. She stated that the entire process of drop off and pickup were very well organized and safe. She saw nothing that would be alarming or needed addressing.

**Motion:** Commissioner Ream: I make a motion that we recommend approval to continue the approved Conditional Use for Brooke and Christian Duncan with their in-home preschool on their property located at 425 East 600 North. The approval by the City Council required further review by the Planning Commission and City Council after the first school year. The property is in the R-1-22 zone. Upon further review we find compliance of the pickup and drop off.

**Seconded:** Commissioner Whitney

**Chairman Kohler:** Any discussion the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Ream, Simons, Bouwhuis and Whitney

**Nays:** None

**Motion: Passed**

## **Item 6:**

Midway City is proposing a code text amendment of Section 16:5: Commercial C-2 and C-3 Zones. The proposed code amendment would add commercial and residential accessory structures as a permitted use in the commercial zones. Setbacks would also be added to the code for accessory structures.

## **Commercial Zone Setbacks**

- Establish accessory structures as a permitted use for residences
- Establish accessory structures as a permitted use or conditional use for commercial uses
- Establish setbacks for accessory structures
  - Commercial
    - Same setbacks as listed for all commercial structures
  - Residential Accessory Location Requirements (no living or sleeping space)
    - A. Front Setback. All residential accessory structures shall be setback at least thirty (30) feet from the front lot line or projected street right-of-way.

- B. Side Setback. All residential accessory structures dwellings shall be setback from the side property lines a distance of at least three (3) feet. On corner lots, the side setback from any street shall not be less than thirty (30) feet.
- C. Rear Setback. All residential accessory structures shall be setback from the rear property line a distance of at least three (3) feet.

### **Possible Findings**

- Adding residential accessory structures as a permitted use will allow residents of this zone to better use and enjoy their property
- Adding commercial accessory structures will make it clear that they are allowed and what the requirements are for these structures

### **Comments and Questions**

Rob Bouwhuis had some questions regarding the front setbacks, stating that if a residential home was 50 feet back and the code states 30 feet. Technically a shed or accessory structure could be put in front of the house. He would like to see the language state that any accessory structure be setback at least flush with a residential structure or even 10 feet back from the residential structure setback.

Rob Bouwhuis suggested that we put just some restrictions regarding the look of the accessory structure and have it compatible with the look of the home. The design shall be compatible.

There was a discussion about over night rental. The commercial zone allows for over night rental.

### **Public Comment**

**None**

### **Public Comment**

**Motion:** Commissioner Bouwhuis: I make a motion that we recommend approval of code text amendment of Section 16:5: Commercial C-2 and C-3 Zones. The proposed code amendment would add commercial and residential accessory structures as a permitted use in the commercial zones. We also accept staff report and staff findings as outlined and that the front setbacks of residential accessory structures would be 45' from the right of way or 15' behind the residential structure whichever is greater and that the design of the building shall be compatible with the design of the residential building and approved by staff with the option of the VAC.

**Seconded:** Commissioner Whitney

**Chairman Kohler:** Any discussion the motion?

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Ream, Simons, Bouwhuis and Whitney

**Nays:** None

**Motion: Passed**

**Adjournment:**

**Motion:** Commissioner Ream: I motion to adjourn

**Second:** Commissioner Simons

8:30 pm

---

Chairman – Jim Kohler

---

Admin. Assistant – Melannie Egan

Approved