

## Midway City Planning Commission Regular Meeting Minutes April 13, 2021

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., April 13, 2021, at the Midway City Community Center  
160 West Main Street, Midway, Utah

### Attendance

Andy Garland  
Craig Simons (Zoom)  
Rob Bouwhuis- Vice Chair  
Rich Cliften (Zoom)  
Bill Ream (Zoom)  
Rich Cliften  
Laura Wardle

### Staff

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

### Excused

Jeff Nicholas- Chairman  
Heather Whitney  
Jon McKeon

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

#### Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
  - Invocation was given by Vice Chairman Bouwhuis
  - Vice Chairman Bouwhuis led the Pledge of Allegiance
- Recorder Brad Wilson swore in Laura Wardle as an alternate Planning Commission Member and Andy Garland as a Regular Planning Commission Member.

#### Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of March 9, 2021.

**Motion:** Commissioner Garland: I make a motion that we recommend approval of the minutes for March 9, 2021 with the changes that were given to Melannie Egan.

**Seconded:** Commissioner Ream

**Chairman Bouwhuis:** Any discussion on the motion?

There were some clarifications added to the motion

**Chairman Bouwhuis:** All in favor.

**Ayes:** Commissioners: Garland, Wardle, Ream, Cliften, Simons

**Nays: None**

**Motion: Passed**

**Item 2:**

Dan Luster, agent for Midway Heritage Development LLC, is proposing master plan approval for The Village. The proposed plan is a mixed-use development and a planned unit development. The proposal includes 28,170 square feet of commercial space in multiple buildings, 157 townhomes, 25 cottages homes, park, trails, clubhouse, and pool to be developed in six phases. The master plan is on 27.47 acres and contains 9.7 acres of open space. The property located at 541 East Main is in the C-2, R-1-11, and R-1-22 zones.

**Planner Henke gave a presentation**

**Land Use Summary**

- 27.47 acres
- C-2, R-1-11, & R-1-22 zones
- 63,250 square feet of commercial space
- 151 townhomes
- 25 cottages homes
- Sensitive lands
  - Slopes 25% and greater

**Master Plan Requirements**

- General feasibility
- Water rights
  - Held in escrow by the City before the master plan agreement is recorded
- Roads/traffic circulation
- Sensitive lands protection
- Open space

**Waterboard Recommendation**

- The Water Advisory Board as approved an estimated 192.16 acre-feet (this was calculated before the removal of some residential and the addition of the Midway Swim & Racquet Club) will need to be held by the City in escrow before the master plan can be recorded.
- The required water will be tendered to the City, per phase, before the recording of each plat.

**Discussion Items**

- Roads and traffic circulation
  - Third access added to River Road
  - Public roads except for phase 6

- Traffic study
  - Possible off-site improvements
- Alley access
  - Snow removal
  - Trash removal
- Main Street improvements
- Public Participation Meeting
  - March 4, 2021
- Trails
- Architectural Theme
- Parking
  - Residential complies with requirements
  - Commercial, depending on the use, can meet the requirements
- Density
  - C-2 zone
    - 13.29 acres
    - 131 units
  - R-1-11
    - 5.77 acres
    - 17 units
  - R-1-22
    - 7.64 acres
    - 8 units
- Required commercial square feet
  - Commercial includes 2 floors
    - 63,250 square feet (20%)
  - Residential includes all the square feet in the structure
    - 252,998 square feet (80%)
- To assure that the commercial square feet requirement is met, staff is proposing that approvals of phases 4 and 5 (which are fully residential) are not approved for preliminary approval until the commercial structures are built
- Phases 3, 4, and 5 cannot be recorded until the correct ratio of commercial has been built to allow for the residential to be approved.
- Setbacks
- Height of structures
- Transient Rental Overlay Zone (TROD)
- All phases are required to be part of one Property Owners Association (POA)
- Water table
  - Ability to build basements and lower-level parking

### **Possible Findings**

- The proposal will benefit the City financially by creating a greater tax base.
- The proposal may help the City better comply with State requirements regarding the ability to collect resort tax depending on the number of units that are rented on a short-term basis.
- The developer has provided a parking stall plan that complies with code requirements.
- The proposal does appear to comply with the requirement of 20% commercial square

feet of the mixed-use portion of the plan.

- Groundwater must be addressed to assure the below grade parking areas and basements are feasible.

### **Proposed Conditions**

- Open space is dedicated as part of phase 3 to comply with PUD open space requirements.
- Groundwater must be addressed to assure the below grade parking areas and basements are feasible.

**Dan Luster gave a presentation.**

### Plan Overview

#### Vision

- Historic Architecture
- Focus on walkability
- HOA managed gardens and yards
- Most parking is underground garaged
- Commercial primarily restaurants, arts and health

#### Numbers

- 140 residential buildings (40 dual occupancy)
- 20% required commercial
- Public streets in residential zone

#### Demographics

- \$550k - \$1M price range
- 1,800 – 4,000 square feet
- 4 car garage per unit
- 50% second homes
- Nightly rentable section near main
- Light commercial on first floor near main
- High-end double lots for “mansion house”
- Low-end family of 1<sup>st</sup> floor, renting 2<sup>nd</sup>

#### Amenities

- Walkable, connection to Memorial Hill (tbd)
- Swim/racket club, Midway Residents can join (tbd)
- Restaurants and galleries (tbd)
- 10 acres of open space

#### Residential Vision

- Historic forms, rooflines, chimneys
- Quality materials, stone/plaster
- Walkable/bike-able

- “Smart growth” infill, not sprawl
- Gardens in front, cars in garage
- Clustering units in two to three buildings for scale

### **Commissioners and Staff Comment**

Rob Bouwhuis stated that the 3<sup>rd</sup> access shows that it is in Phase 6 and was concerned that it would be needed way before Phase 6 is built. Wes Johnson stated that he believes that he would propose that that 3<sup>rd</sup> access should be proposed to be constructed at or around the Phase 3 timeline.

There was a question regarding the health and fitness center. Dan Luster stated that it is definitive, viable and financially stable.

Dan Luster quickly went through his presentation and showing the designs that were presented to the VAC that meet the architectural features and the European design.

Paul Berg addressed the water table and the two bore holes that contained water. So, Dan Luster asked that the test pits be dug in the same areas where the bore holes were placed in 2017. Paul Berg stated that they are concerned and have agreed to the monitoring program that Wes Johnson has proposed to make sure that there is no ground water while some of the earlier phases to move forward. If water is found during this monitoring period, Paul Berg stated that they would possibly have to eliminate all or some of the underground parking in those areas and find other options for parking.

The commissioners are concerned that the water table judgements based on pits dug this past year could potentially be inaccurate representations with the past year being one of the driest years on record. Concerns were that the previous soils report indicated in the bore log that water was encountered during drilling.

Rob Bouwhuis felt like the orientation of the streets did not create the feel that the developer was trying to convey as the idea for the development with double lined streets and such. He believed that reorganization of the streets within the development could be improved to better achieve the stated idea without sacrificing the development potential. Additionally, some of the alleyways between buildings did not seem to be wide enough to be functional.

Paul Berg briefly discussed the fact that UDOT has determined that a stop light is needed on River Road and Main Street with or without the project. He stated that UDOT has delayed the construction of the stop light.

### **Rob Bouwhuis opened the meeting to public comment**

Chad Baxter-691 East Main Street- He was concerned about a covert and a water

Jody Clyde Call-10 South 700 East- What is to know what is the benefit to Midway City? Why do we need more residential? She doesn't believe that the City is looking into it and would like a temporary moratorium.

Cheryl Whiting- 870 E Main Street- She lives directly across the street, where the Fitness Center will be built. Is concerned about the noise and parting in any of the short term

William Hludzinski- 62 Fox Den Road- Concerned about the environmental impact. He was concerned about the traffic. He was concerned about the water and the over capacity of using the water and the drought. He wants the commission to look at the whole impact of Midway, Heber and the valley.

John Olson- 85 Haueter Lane- He stated that one year during a very heavy winter. The water flowed off Memorial hill and flooded the basement. He is very concerned about runoff water.

Julie Lunsgaurd- 473 E Main- Daughter of Inez Wilde- Concerned about the trash and it is impacting their property. Concerned about flooding.

Jonathan Harrison- 584 Dutch Summit Court- (did not get the address)- He stated that he liked the plan and the commercial opportunity it brings and believes that if there was a developer who could do this project, it would be Dan Luster.

Launa Nielson- 60 N River Road- She did not believe the traffic study as it was done in February and she believes that it is the slowest time of year and would like it done at a busier time of the year. Wes Johnson explained the traffic study and that the report stated that they increased the count by 15%.

Louis Scovil- 90 River Road – stated that the project is extreme high density. And asked if this really want Midway to look like that. He wanted to have the developer respect the residents and that the project is not what the residents want for Midway City.

### **Rob Bouwhuis closed the meeting to public comment**

Andy Garland was concerned about the lighting at night near the tennis courts and pool and would like that to be considered and mitigated for the neighboring homes.

Rob Bouwhuis asked some questions about the accuracy of the traffic study. He talked about the service levels at the intersection of River Road and Main Street. He would like to look at it further.

Paul Berg acknowledged the ditch and have a plan to keep it open to help with the 24-hour 100-year storm. He stated that he appreciated the comments about the garbage and other concerns. They would certainly take those into consideration as they did with the fence.

Paul addressed the density. He reminded everyone that this project is lower density than allowed. Michael Henke stated that the zoning could change by a petition and other ways to change the layout of the project but right now this meets Midway City's code.

**Motion:** Commissioner Wardle: I make a motion that we recommend that we approve the master plan for The Village. The proposed plan is a mixed-use development and a planned unit

development. The proposal includes 63,250 square feet of commercial space in multiple buildings, 131 townhomes, 25 cottages homes, park, trails, clubhouse, and pool to be developed in six phases. The master plan is on 27.47 acres and contains 9.7 acres of open space. The property located at 541 East Main is in the C-2, R-1-11, and R-1-22 zones. We accept staff findings and conditions in the staff report. Along with adding the conditions that we continue with the water table study and traffic study and the UDOT streetlight at River Road and Main Street.

**Seconded:** Commissioner Ream

**Chairman Bouwhuis:** Any discussion on the motion?

**Chairman Bouwhuis:** All in favor.

**Ayes:** Commissioners: Wardle, Cliften, Ream, and Garland

**Nays:** Bouwhuis, Simons

**Motion: Passed**

Rob Bouwhuis asked that it be indicated in the minutes that the reason for his nay vote was because he felt the water table issue was significant enough and would have a large impact the design of the development, such that an alternate plan should be developed without underground structures and parking and should be looked at prior to granting approval of the master plan.

### **Item 3:**

Doug Dance is petitioning for annexation of the Cascade View subdivision which would contain four lots on 6.89 acres. The property is in the Midway Growth Boundary and located near Cascade Springs Road and Stringtown Road. The proposed zoning for the property is RA-1-43 (rural-agricultural 1 acre).

**Planner Henke gave a presentation.**

### **Land Use Summary**

- 6.98 acres
- RA-1 Wasatch County Zoning
- Possible City Zoning RA-1-43

### **Access to Culinary Water**

- All property owners desiring to access the Midway City culinary water system whose party meets the requirements for annexation must annex into Midway in order to receive culinary service.
- In the event that a property owner applies for access to the Midway City culinary water system and their property does not meet the requirements for annexation, Midway City may in that event, consider the application for culinary water on a property-by-property basis, and approve such applications at its sole discretion and impose any conditions

found reasonable and necessary to protect and maintain the Midway City culinary water system

- Midway City shall have no obligation to provide culinary service outside of its municipal boundaries.

### **Discussion Items**

- Annexation
  - Unincorporated peninsula
- Density
- Access
  - Cascade Springs Road seasonal access
    - Midway limits development on once access roads
      - 1,300' length limit for cul-de-sacs
      - 2 points if access required (built to City standards)
  - Wards Lane substandard road
  - Will-serve letter allowing culinary access subject to conditions dictated by the City
- Timing
  - The Highlands at Soldier Hollow
- Road maintenance

### **Possible 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 relatively low at four dwellings on almost seven acres. This will help promote the vision of the general plan to preserve more open area and a rural atmosphere.

### **Commissioners and Staff Comment**

Andy Garland asked If the project is not annexed, is there a premium price for the water. Michael Henke stated that it is at 1.5 %.

Doug Dance stated that the section that is not up to Midway City standard will be fully paved and is a County standard road. The request from the County is that a 20-foot section be paved. He stated that he would like to have an HOA that would take care of the snow removal and maintenance by having a private company take care of the small cul-de-sac. The first house would be built on Lot 1 with the future possibility of subdividing into the four lots. He stated that the neighboring subdivision in the County to the west will most likely wells with a pressurized fire system.

Michael Henke stated that the benefit to the city would be to control zoning by reducing density.

There was a discussion regarding the benefits and the downside to a will serve letter vs annexation. Michael Henke was concerned about the precedence of annexation without the two points of access even if there is only home built

**Motion:** Commissioner Ream: I make a motion that we recommend denial annexation of the Cascade View subdivision which would contain four lots on 6.89 acres. The property is in the Midway Growth Boundary and located near Cascade Springs Road and Stringtown Road. The proposed zoning for the property is RA-1-43 (rural-agricultural 1 acre). We recommend a will serve letter from the city with the conditions the number of lots moved up to 4 and if there are ever two points of access than the applicant can reapply for annexation.

**Seconded:** Commissioner Cliften

**Chairman Bouwhuis:** Any discussion on the motion?

**Chairman Bouwhuis:** All in favor.

**Ayes:** Commissioners: Bouwhuis, Wardle, Garland, Ream, Cliften and Simons

**Nays:** None

**Abstained:**

**Motion:** Passed

#### **Item 4:**

Thomas Whitiker of Mound City LLC is petitioning for annexation of the Hot Springs property and is 12.26 acres. The property is in the Midway Growth Boundary and located west of Pine Canyon Road and north of Cari Lane. The proposed zoning for the property is RZ (Resort Zone).

**Planner Henke gave a presentation.**

#### **Land Use Summary**

- 12.26 acres
- RA-1 Wasatch County Zoning
- Possible City Zoning of RZ or RA-1-43
  - Petitioner has requested RZ

#### **Utah State Code**

Utah State code allows for the annexation of a portion of an unincorporated island as outlined below in 10-2-418:

*(3) Notwithstanding Subsection 10-2-402(1)(b)(iii), a municipality may annex a portion of an unincorporated island or unincorporated peninsula under this section, leaving unincorporated the remainder of the unincorporated island or unincorporated peninsula, if:*

*(a) in adopting the resolution under Subsection (5)(a) the municipal legislative body determines that not annexing the entire unincorporated island or unincorporated peninsula is in the municipality's best interest; and*

*(b) for an annexation of one or more unincorporated islands under Subsection (2)(b), the entire island of unincorporated area, of which a portion is being annexed, complies with the*

requirement of Subsection (2)(b)(ii) relating to the number of residents

Subsection (2)(b)(ii) states the following:

*(ii)(A) the area to be annexed consists of one or more unincorporated islands within or unincorporated peninsulas contiguous to the municipality, each of which has fewer than 800 residents; and: Fewer than 800 people are within the area to be annexed.*

*(B) the municipality has provided one or more municipal-type services to the area for at least one year;: Beginning in May 2020, Midway City assumed road maintenance and snow plowing responsibilities for the section of Pine Canyon Road that the applicants property fronts.*

### **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.*
- *The most recent applicants for annexation to Midway have contributed to the parks fund. The average cost per acre annexed into Midway has paid \$589.11. Therefore, if following the model of previous annexations, the required parks annexation donation fee is \$7,222 that would be paid before the recording of the annexation plat.*

### **Possible 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 traffic to the area.*
- *The proposed commercial and nightly rental uses would have a positive impact on the city's tax base.*
- *The intensity of uses is relatively low compared to what could happen on the property. This will help promote the vision of the general plan to preserve open space and a rural atmosphere.*
- *Utah State Code allows for the annexation of a portion of an unincorporated island if certain criteria are met.*

### **Commissioners and Staff Comment**

There was a discussion regarding what would be considered retail and the 20% commercial. Paul Berg stated that the hotpots would be available for the public by paying a use fee. The renters of the home/lodge would have the opportunity to pay the use fees while it is occupied and opened to the public when it is not occupied, or the renters of the lodge choose not to use the hotpots during occupancy.

Rob Bouwhuis would rather see the lodge lower on the ridge. If there were a bigger benefit and a higher density to the city, he would feel better about the lodge at the higher ridge.

There was a discussion regarding the earth and dirt work on the property. There is a lot of history behind it, and it is very hard to even know what has been done over the years.

**Motion:** Commissioner Garland: I make a motion that we recommend approval of the annexation of the Hot Springs property and is 12.26 acres. The property is in the Midway Growth Boundary and located west of Pine Canyon Road and north of Cari Lane. The proposed zoning for the property is RZ (Resort Zone). We accept the findings and agree that this should be zoned RZ.

**Seconded:** Commissioner Ream

**Chairman Bouwhuis:** Any discussion on the motion?

**Chairman Bouwhuis:** All in favor.

**Ayes:** Commissioners: Bouwhuis, Wardle, Garland, Ream, Cliften and Simons

**Nays:**

**Abstained:**

**Motion: Passed**

### **Item 5:**

Berg Engineering, agent for DPW Heber Inc., is requesting preliminary approval of phases 2 and 3 of the Saddle Creek Ranch subdivision. Phases 2 and 3 includes seventeen lots on 15.27 acres. The property is located at 970 South 250 West and is in the R-1-22 zone.

**Planner Robinson gave a presentation.**

### **Land Use Summary**

- Phase 2 – 12.23 acres, Phase 3 – 2.6 acres
  - Mater Plan - 31.99 acres
- R-1-22 zoning
- Phase 2 – Thirteen lots, Phase 3 – Four lots
  - Master Plan - 36 lots
- Open space
  - Total for both phases – 3.22 acres (25% of phase, 52% of total project open space)
- Standard subdivision
- Public roads
- The lots will connect to the Midway Sanitation District sewer and to the City's water line.
- No sensitive lands have been identified on the property

### **Possible Findings**

- The proposed plans for phase 2 & 3 comply with the requirements of the land use code.
- The proposal does meet the vision as described in the General Plan for the R-1-22 zone.
- Road improvements along 250 West will benefit the community in general
- The public trail built along 250 West will help complete the master trail plan that will benefit members of the community
- No plat can be recorded until the existing plat has been vacated by the county recorder

- Any failure to submit a proposed final plan and final approval submittal package within one year of the approval of the Preliminary Plan by the City Council shall terminate all proceedings and render the Preliminary Plan null and void

### **Recommended Condition**

1. Required water extension line agreement fees are paid for all 36 lots before the recording of the plat for Phase 1, unless there is an agreement signed by all parties, allowing the developer to pay over time
2. Draft codes covenants and restrictions is submitted with the application for final approval that will form the HOA and have a maintenance plan for the common area and amenities
3. When submitting for final approval, the applicant will be required to submit a will-serve letter from the Midway Irrigation District

### **Commissioners and Staff Comment**

There was a short discussion about the ditch and its relocation to the east and it was clarified that the ditch will remain an open and flowing ditch.

There was a discussion regarding the trails, that some will be concrete, and some will be asphalt. Rob Bouwhuis asked if it would be a good idea for the Parks, Trails and Trees Committee to discuss and give a recommendation to the City Council regarding the trails. Michael stated that it would be a good idea.

**Motion:** Commissioner Simons: I make a motion that we recommend preliminary approval of phases 2 and 3 of the Saddle Creek Ranch subdivision. Phases 2 and 3 includes seventeen lots on 15.27 acres. The property is located at 970 South 250 West and is in the R-1-22 zone. We accept the findings and all the conditions listed in the staff report.

**Seconded:** Commissioner Garland

**Chairman Bouwhuis:** Any discussion on the motion?

**Chairman Bouwhuis:** All in favor.

**Ayes:** Commissioners: Bouwhuis, Wardle, Garland, Ream, Cliften and Simons

**Nays:**

**Abstained:**

**Motion: Passed**

### **Item 6:**

Midway City is proposing to adopt new code text to the Midway City Municipal Code. Section 16.13: Supplementary Requirements in Zones. The potential amendment that would limit the size of dwellings in Midway.

**Planner Robinson gave a presentation.**

### **Proposed Background**

- Members of the City Council have expressed concern regarding the size of homes that are being constructed in Midway and question whether they help contribute to the existing character of the city.
- The purpose of this item is to discuss what options are available for Midway City to limit the size of single-family dwellings in the city.
- Currently, the maximum size of a single-family dwellings is mainly limited by:
  - Lot size and configuration
  - Building setbacks
  - Building heights

**Example Approaches**

There appears to be two general approaches to creating size limits within residential zones:

- **Ratio Based Size Limits (Floor Area Ratio)** – This approach appears to be more broadly used and is typically implemented in residential zones on a per zone basis. Rather than a hard maximum for each zone, it allows the square footage to be specific to the lot.
  - Example:
    - Base Floor Area - 10,000 (SF) x 0.56 = 5,600 SF of allowable Floor Area
    - Excess Floor Area - 2,000 (SF) x 0.38 = 760 SF of additional Floor Area
    - Total Allowable Floor Area - 6,360 SF
- **Maximum Square Footage Size Limits** – This approach creates a maximum structure square footage per zone. This approach would work better in the residential zones that have larger parcel minimums. This would require the city to identify what the maximum allowable square footage is in each zone.

**Additional Considerations**

- Are there types of structures (detached garages, sheds, barns, greenhouses, etc.) or areas within structures (basements, attached garages, etc.) that should not count towards the overall square footage? Do rooms with ceiling heights over a certain height count as double the floors square footage?
- Depending on the size limitations that are set, there is a likelihood that many structures that were built legally will become legally non-conforming. The land use code currently does not allow for the expansion or enlargement of non-conforming buildings.

**Option 1- Overall Maximum Gross Floor Square Footage (per zone)**

Zone/Min. Lot Size	Single Story - Max. Allowable Gross SF	Two Story - Max. Allowable Gross SF
C2/C3	2,800	3,500

R-1-7 - 7,000 SF	2,800	3,500
R-1-9 – 9,000 SF	3,500	4,500
R-1-11 – 11,000 SF	4,500	6,500
R-1-15 – 15,000 SF	5,500	6,500
R-1-22 – 21,780 SF	6,500	7,500
RA-1-43 – 43,560	6,500	7,500
RZ	6,500	7,500

**Option 2- Single Ratio Based Gross Floor Square Footage (per zone)**

<b>Zone/Min. Lot Size</b>	<b>Ratio</b>	<b>Base Lot Size (Zone Minimum)</b>	<b>Base Lot Size - Max. Allowable Gross SF</b>	<b>Example Lot Size (Fictitious Size)</b>	<b>Example Max. All SF</b>
C2/C3		N/A	3,500	N/A	3,500
R-1-7	0.45	7,000	3,150	10,000	4,500
R-1-9	0.45	9,000	4,050	12,000	5,400
R-1-11	0.45	11,000	4,950	14,000	6,300
R-1-15	0.40	15,000	6,000	18,000	7,200
R-1-22	0.35	21,780	7,623	25,000	8,750
RA-1-43	0.30	43,560	13,068	96,000	28,800
RZ		N/A	7,500	N/A	7,500

**Option 3- Two ratio based gross floor square footage (per zone)- One ratio for minimum**

**lot square footage and second ratio for any excess lot square footage**

Zone/Min. Lot Size	Example Lot Size (Fictitious Size)	Ratio #1 – Applies to Base SF	Ratio #2 – Applies to Any Excess SF	Example Allowabl
C2/C3	N/A			3,500
R-1-7	10,000	0.40	0.45	3,700
R-1-9	12,000	0.40	0.45	4,500
R-1-11	14,000	0.40	0.45	5,300
R-1-15	18,000	0.40	0.40	6,900
R-1-22	25,000	0.35	0.35	8,750
RA-1-43	96,000	0.25	0.30	16,134
RZ	N/A			7,500

**Proposed Amendment**

- Limit the size of B&Bs in residential zones to 4 rooms for short-term rent
  - B&Bs in commercial zones or in RZ would not have a room limit
  - Receptions, banquets or catering would not be an option in residentially zoned areas
  - B&Bs in commercial zones or in the RZ would have the ability to request approval for receptions, banquets, or catering

**Recent Permits**

20 Random Single-Family Dwelling Permits (July 2020 to Present)

- Smallest – 3,712 SF
- Largest – 14,047 SF
- Average – 6,050 SF

## **Commissioners and Staff Comment**

Craig Simons does not like this idea for Midway City. He feels this is an infringement of ones rights.

Rich Cliften also agrees with Craig Simons. Property rights are important and there must be flexibility. He doesn't believe that Midway should be compared to a Los Angeles or a Yonkers New York.

Kevin Payne stated that some of the concerns were with large homes on smaller lots and it eats up the look of open space. He personally doesn't like homes that eat up the open space.

Bill Ream stated that could be addressed with larger setbacks. He also does not believe that you should count a basement in any equation to square footage.

Rob Bouwhuis stated that he wanted to know what is the goal? Is it the large homes in general or is it a home that looks too big for the lot that it sits on? He suggested that the goal must be determined beforehand.

**Motion:** Commissioner Garland: I make a motion that we recommend continuing to another meeting to adopt new code text to the Midway City Municipal Code. Section 16.13: Supplementary Requirements in Zones. The potential amendment that would limit the size of dwellings in Midway.

**Seconded:** Commissioner Wordle

**Chairman Bouwhuis:** Any discussion on the motion?

**Chairman Bouwhuis:** All in favor.

**Ayes:** Commissioners: Bouwhuis, Wardle, Garland, Ream, Cliften and Simons

**Nays:**

**Abstained:**

**Motion: Passed**

Adjournment

**Motion:** Commission Ream

**Second:** Commissioner Simons

9:25 pm

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Vice-Chairman – Rob Bouwhuis

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Admin. Assistant – Melannie Egan