

Midway City Planning Commission Regular Meeting Minutes June 8, 2021

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., June 8, 2021, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Jeff Nicholas- Chairman
Andy Garland
Bill Ream
Rob Bouwhuis- Vice Chair
Rich Cliften
Laura Wardle

Staff

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

Excused

Jon McKeon
Craig Simons
Heather Whitney

6:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
 - Invocation was given by Chairman Whitney
 - Chairman Nicholas led the Pledge of Allegiance

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of May 11, 2021.

Motion: Commissioner Garland: I make a motion that we recommend approval of the minutes for May 11, 2021, with the changes that were given to Melannie Egan.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

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

Nays: None

Motion: Passed

Item 2:

Midway Heritage Development LLC is requesting an amendment to the Midway City Land Use Map. The amendment would rezone 13.34 acres of property currently zoned R-1-11 and R-1-22 to C-2. The property is located at 535 E Main.

Planner Henke gave a presentation

Proposed Zone Map Amendment

- Rezone 13.34 acres from R-1-11 & R-1-22 to C-2
- R-1-11: 5.7 acres
- R-1-22: 7.64 acres
- Entire project is 27.47 acres
- Proposed rezone would allow for more flexibility regarding density dispersion when designing the development.
- Proposal is a legislative matter, and the City has broad discretion regarding approval or denial
- Current approved conceptual plan includes 156 dwellings and commercial space
- Proposed rezone and conceptual plan would limit density to 140 dwellings and commercial space
- Proposal also includes 100 yards of open space along Main Street which includes the property with storage units and automotive shop
- If the City were to rezone the property because of an identified communal benefit, the City could conditionally approve the rezone to assure that what is approved is all that is built on the development property.
- Conditionally approve the rezone with any conditions that the City requires. Those conditions would be memorialized and enforced in the master plan agreement.
- Conditionally approve the rezone with the requirement that the zone change is not official until the recording of the master plan agreement. Once the master plan agreement is recorded, with all the approved conditions, the Land Use Map would officially be amended, and the rezone would take effect.
- Place a time limit on the rezone so that if a plat is not recorded then the zoning returns to what is currently zoned
- The rezone should only be approved if there is a communal benefit
- Preservation of open space and a rural atmosphere
- Reduces the density by 16 which lowers the impact on the community (less traffic, demand on services, and schools)
- The area of the storage units and automotive shop would become open space
- Setbacks in the residential areas should remain the same even if the property is rezoned
- Impact on the surrounding neighbors

General Plan

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.

Future development in this area should integrate harmoniously along with the existing historic buildings, to create a lively and comfortable district. The area will cater to the pedestrian experience and incorporate access to open space such as plazas, street furniture, pocket parks, and trails. Architecture characterized by a Swiss/European influence, should be used to create a unique identity that suits both the people and the surroundings of Midway.

Character - Midways Swiss/European character is most prevalent along Main Street. Historic homes, businesses, and public buildings all contribute to Main Street's appeal to residents and visitors. The community has developed strict architectural design standards, historic preservation standards and development guidelines that will reinforce that character and draw visitors to the area. For more detailed information please see the Midway City Municipal Code.

Walkability - Many of the visitors to the main core are within close proximity. As planned trails and pedestrian corridors throughout the city are built, citizens and visitors will become less reliant on vehicles to access the area.

Open Space - The strategic location of open spaces along the corridor draws pedestrians to the area and encourages them to stay longer. These can be parks, patios, plazas, playgrounds and natural open space.

Design – Using proper design standards such as setbacks, storefronts size and placement will improve the overall appearance and walkability. Please see Midway City design and architectural guidelines for more information.

Guideline 4: Promote more outside dining and gathering areas.

Guideline 5: Promote compatible mixed-use developments along Main Street that will create a comfortable community space.

Possible Findings

- The proposal is a legislative matter, and the City has broad discretion.
- The proposal will require open space to be left along Main Street.
- Density will reduce by 16 residential units if the property is rezoned.
- The property containing the storage units and automotive shop will be included in the proposal and will become open space.
- All code requirements will need to be satisfied and will be reviewed in detail with the master plan and preliminary and final approval of each phase.
- Some neighboring properties will be more impacted with the proposed zone change than

with the approved concept plan.

- The City Council can require conditions on the proposed zone change that will be listed specifically in the master plan agreement.

Proposed Conditions

1. The amendment to the Land Use Map is not official until a master plan agreement has been signed and recorded by the applicant and the city.
2. The concept plan recorded with the master plan is the only development that may occur on the property and the layout must match the approved concept plan.
3. The density of the development is limited to 140 residential units.
4. The minimum side and rear setbacks in the area of the rezone is 60'.
5. The automotive shop and other buildings on the parcel must be removed and included as open space in the proposed plan.
6. The first plat of the master plan must be recorded within five years of approval of the zone map amendment, or the zoning returns to what is currently zoned.

Commissioners and Staff Comment

There was a discussion regarding the homes being pushed north towards Memorial Hill when it comes to keeping the rural look and the fireworks. Michael stated that the new plan would be studied and refined to protect the slopes of Memorial Hill. Michael stated that the fireworks could remain but would be reduced in size. Steve confirmed that that was the case.

There was a discussion regarding the garage and storage unit.

This plan does not call for a performing arts center. Michael stated that this plan does not have a performing arts center and it is currently not proposed as it is not allowed in the zone. Michael explained that if that was a plan, it would require an entire process.

Rob Bouwhuis created an overlay of the two plans and shared it so everyone could see the differences between the two plans.

Paul Berg explained why they changed the plan which was approved by PC and CC, was because it was not well liked even though it meets the current zoning. This is an attempt to help make more people happy and to mitigate some issues. They realize that this won't make everyone happy. He explained that because this is a concept plan, his firm has not run through the plan in detail, because at this stage, it is not required at this time. He will be doing that in detail such as parking etc. if the amendment is approved.

Dan Luster explained that at the beginning he did bring this concept to the city and was told it would not meet code. He went back to the drawing board and created the plan that was approved by the PC and CC because it meets code.

There was a discussion that Dan also believes that the concept shows over parking. And he believes that they will be able to mitigate some of the parking issues being close to the neighbors on the east can be reduced and he is willing to work with those neighbors and his design by getting the actual parking numbers and reducing and shifting as the process moves

forward.

There was a discussion about the open space and the trails. The plan looks like there more asphalt and Dan explained that some of that is actually trails. And they will be designed to allow for biking to the commercial shops and restaurants or bike down Main Street.

Dan Luster stated that the open space will be pasture grass landscaping.

Main Street vision needs to be studied more. Rob Bouwhuis stated that he believed that the project would benefit the commercial businesses. Having more options is a good thing and when there are more options helps. He likes to have options for restaurants. When there are more options people tend to stay in the area. He and his family now choose Midway over driving to Park City because there is more diversity to choose from.

Public Hearing Open

Robert McConnell-101 s 200 East- Attorney for the Milburn's and the Steven's. He had comments regarding the density. And even though this plan reduces density he stated that it increases the density in the two zones.

Jed Milburn-8 acres of the north east portion. He disapproves this concept and believes it will devalue his property and ruin the feel of the area. He also opposes the idea of nightly rentals, it devalues property. It is a huge problem in park city and other areas.

Steve Stevens- He discussed the parking spaces that are closest to his home. He stated that he calculated 57 spaces and he does not want all the lights blaring into his home. He was also concerned that the open space in the rendering looks much smaller. Michael stated that the calculations have not been completed as of yet. He asked about the spa/tennis courts and fitness center and wanted to know if they were public or private. Dan Luster stated that they are open for membership and therefore are considered a for profit private endeavor.

Cheryl Whiting lives across the street at 680 Main Street. The pool is outdoor, and the tennis courts will be lit. She is concerned about the fitness center and the pool and the road east of main street. She is mostly concerned with the noise as she has had issues with noise from the Grainery.

Sherry Olman 725 N Homestead Drive- Owner of the Edelweiss Gallery. Is concerned about wants to keep Midway small and quaint.

Public Hearing Closed

Motion: Commissioner Ream: I make a motion that we recommend approval of an amendment to the Midway City Land Use Map. The amendment would rezone 13.34 acres of property currently zoned R-1-11 and R-1-22 to C-2. The property is located at 535 E Main. We agree with the finding in the staff reports. The conditions are the six listed in the staff report along with a condition that the parking be studied to mitigate the impact on the neighbors and a slope

analysis and further analysis to understand where the houses line up at the base of Memorial Hill. And a condition to do further analysis on the commercial mix on Main Street.

Seconded: Commissioner Cliften

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

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

Nays: None

Motion: Passed

Item 3:

Berg Engineering, agent for Jared and Kurt Wilson Farm LLC, is requesting preliminary approval for an 8-lot standard subdivision to be known as The Farm at Wilson Lane subdivision. The subdivision is on 10.28 acres and is located at 1500 North Canyon View Road and is in the RA-1-43 zone.

Planner Robinson gave a presentation.

Land Use Summary

- RA-1-43 Zone
- Eight Lot Standard Subdivision
- 10.28 Acres
- Proposed public cul-de-sac road
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

Water Board Recommendation

- 10.28 acre parcel (447,796.8 sq. ft.)
 - Impervious area for lots
 - 1.47 acres (8 x 8,000 = 64,000 sq. ft.)
 - Irrigated acreage
 - 8.1 acres x 3 = 24.3 acre feet (includes park strips)
- 8 culinary connections
 - 6.4 acre feet
- 30.7 acre feet requirement

Possible Findings

- The proposal does meet the intent of the General Plan for the RA-1-43 zone
- The proposal does comply with the land use requirements of the RA-1-43 zone
- 1.54 acres of open space must be created as part of the development, which will be noted on the plat and restricted from future building or development
- The applicant will dedicate the remaining portion of the right-of-way needed for Canyon View Drive

- 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

Proposed Conditions

Must provide a will serve from Midway Irrigation before applying for final approval

Commissioners and Staff Comment

Michael stated that he has received some comments verbally about the berms, but the city has no way to dictate to developer to keep the berms or not.

Rob Bouwhuis asked why the retention pond was not divided in between two lots instead of just the one and Wes Johnson stated that it was discouraged because the homeowners could put a fence in there and it is easier for access if it is in just one lot. It works out better for the city.

Motion: Commissioner Cliften: I make a motion that we recommend preliminary approval for an 8-lot standard subdivision to be known as The Farm at Wilson Lane subdivision. The subdivision is on 10.28 acres and is located at 1500 North Canyon View Road and is in the RA-1-43 zone. Accept the staff findings and the one condition that they get a will serve letter from Midway Irrigation Company.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

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

Nays: None

Motion: Passed

Item 4:

Berg Engineering, agent for DPW Heber Inc., is requesting final approval of phases 2 and 3 of the Saddle Creek Ranch subdivision. Phases 2 and 3 includes 17 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 – 12.08 acres, Phase 3 – 2.51 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 – 3.24 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

Waterboard Recommendation

- The original developer of the property tendered 109.5-acre feet to the City to comply with the culinary and secondary water requirements. Using current City water requirements, the proposal water requirement is in the range of about 106-109-acre feet. It appears the developer has tendered enough water to the City for the entire development.

Possible Findings

- The proposed plans for phases 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
- The duration of final approval shall be for one year from the date of final approval of the development by the City Council. Should a final plat not be recorded by the County Recorder within the one-year period, the development's approval shall be voided, and both preliminary and final approvals must be re-obtained, unless, on a showing of extenuating, the City Council extends the time limit for plat recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that: (a) construction must be conducted according to any new City standards in effect at the time the plat is ultimately recorded; (b) the property must be maintained in a clean, dust-free, and weed-free condition at all times; (c) each extension will be for a one-year period only, after which time an annual review must be presented before the City Council; and/or (d) no more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

Proposed Conditions

Any required water extension line agreement fees must be paid for before the recording of the plat.

Motion: Commissioner Bouwhuis: I make a motion that we recommend final approval for the final application of phases 2 and 3 of the Saddle Creek Ranch subdivision. Phases 2 and 3 includes 17 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 staff findings and the condition that any required water extension line agreement fees must be paid for before the recording of the plat.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Cliften, Bouwhuis, Ream, Wardle and Garland
Nays: None
Motion: Passed

Item 5:

Watts Enterprises, agent for Midway Vistas Development Inc, is proposing final approval of phase 2 of The Reserve at Midway. The proposal contains 22 lots on 36.6 acres, which includes 11.4 acres of open space. The property is located at 285 Luzern Road and is in the RA-1-43 zone.

Planner Robinson gave a presentation.

Land Use Summary

- 36.3 acres in phase 2
 - Entire master plan 83.19 acres
- 11.37 acre of open space
- RA-1-43 zoning
- Proposal contains 22 lots
 - Entire master plan contains 49 lots
- Project is a standard subdivision
- Private roads will be the responsibility of the HOA
- Public access easement on all roads and trails
- The lots will connect to the Midway Sanitation District sewer and to the City's water line.
- Paved public trails and a public trail easement for a back-country trail
- Project will participate in an off-site trail about 300' in length along Homestead Drive

Waterboard Recommendation

- The Water Board reviewed the master plan and determined that 191.24-acre feet are required for the entire project. Phase 1 would dedicate 120.18-acre feet, Phase 2 would dedicate 32.7-acre feet, and phase 3 would dedicate 38.36-acre feet. All the required water rights will be held in escrow before the master plan agreement is recorded.

*At preliminary approval, phase 2 and 3 of the masterplan were combined to create the current proposed phase 2. This adjustment would result in an updated quantity of 71.06-acre feet for the proposed phase 2.

Possible Findings

- The proposal complies with the requirements of the code for standard subdivisions
- The proposal does meet the vision of the area as described in the General Plan for the RA-1-43 zone
- The public trails will be built by the developer that will be an amenity to the entire community

Proposed Conditions

1. All approved non-irrigated areas will be noted on the plat
2. Private roads in the development will have a public access easement which will be noted on the plats and in the development agreement
3. Private trails with public access easements will be maintained by the HOA
4. Include a plat note that addresses the retention pond along the common property line of lots 9 and 10. It should address access, allowable uses, limits on disturbance and limits on fencing along the common fence line
5. Extend asphalt trail along frontage of lots 19 and 20 and connect to trail in Common Area F

Commissioners and Staff Comment

There was a discussion regarding the road at the entrance and the dumpster location.

There was a discussion about the back country trails and they will be built and maintained by the city.

Motion: Commissioner Bouwhuis: I make a motion that we recommend final approval of the final application of phase 2 of The Reserve at Midway. The proposal contains 22 lots on 36.6 acres, which includes 11.4 acres of open space. The property is located at 285 Luzern Road and is in the RA-1-43 zone. We accept the findings in the staff report and the listed conditions in the staff report and to modify finding number 3 to include that all the asphalt trails will be built and maintained by the HOA and the back country trail would be built and maintained by the city.

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

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

Motion: Passed

Item 6:

Watts Enterprises, agent for Midway Springs Inc Series II, is proposing preliminary approval of phase 4 of Remund Farms PUD. The proposal contains 7 lots on 4.14 acres. The property is located at 280 East Rockwell Circle and is in the R-1-15 zone.

This item was pulled by the developer to be reviewed at a later meeting.

Item 7:

Shelton Taylor of Summit Engineering, agent for Sam Castor, is requesting final approval of an 8-lot standard subdivision. The property is located at 425 Homestead Drive and is in the R-1-22 zone.

Planner Robinson gave presentation.

Land Use Summary

- R-1-22/TROD zoning
- Standard subdivision - 7 building lots and one non-buildable parcel
- 6.36 acres
- 0.956-acre open space parcel
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

Waterboard Recommendation

- The Water Board has recommended that 19.47-acre feet are tendered to the City before the recording of the plat. The Water Board also recommended secondary water meters are installed on each lot.

Possible Findings

- The proposal does meet the intent of the General Plan for the R-1-22 zone
- The proposal does comply with the land use requirements of the R-1-22 zone
- A public trail will be built as part of the subdivision that will benefit members of the community
- 0.956 acres of open space will be created as part of the development
- Homestead Drive half width adjacent to development will be widened to 26' as per UDOT requirement
- The duration of final approval shall be for one year from the date of final approval of the development by the City Council. Should a final plat not be recorded by the County Recorder within the one-year period, the development's approval shall be voided, and both preliminary and final approvals must be re-obtained, unless, on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions

Proposed Conditions

1. Include plat note that precludes access to lot 3 from Homestead Drive.
2. Funds to build the 5' bike lane along Homestead Drive adjacent to this project are added to the general trails fund and will be used when the bike lane is completed in the future as part of a larger improvement project.
3. The plat and development agreement must clearly state that parcel 8 is not currently considered a building lot and what needs to occur for the parcel to become buildable. This will include at a minimum the need for additional planning approval, possibly amending the development agreement, obtain a minimum of 115' frontage along a road built to city standards, lot improvements that include a sewer connection, culinary water connection, irrigation connection, adequate access to a fire hydrant, etc.
4. Trail easement along Swiss Alpine Road to be a min. of 15'

Commissioners and Staff Comment

There was a discussion regarding the history of Kohler Lane.

Motion: Commissioner Ream: I make a motion that we recommend final approval of the final application of an 8-lot standard subdivision. The property is located at 425 Homestead Drive and is in the R-1-22 zone. We accept the findings in the staff report with the addition on finding 5 to read, Homestead Drive half width adjacent to development will be widened to 26' as per UDOT standards to the finding and we incorporate the 4 conditions that are listed in the Staff report.

Seconded: Commissioner Graham

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

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

Motion: Passed

Item 8:

Bow Hunting Skills LLC is requesting approval of a conditional use permit that would allow nightly rentals on future dwellings that would be built in the subdivision. The property is located at 425 Homestead Drive and is in the R-1-22 zone and Transient Rental Overlay District.

Planner Robinson gave a presentation.

Transient Rental Unit

- 6.36 acres
- R-1-22 zone
- Transient Rental Overlay District (TROD)
- Existing – 4-bedroom dwelling, previously approved for nightly rentals
- Proposed Development- 7 building lots and one non-buildable parcel, seeking a blanket conditional use approval
- Individual property owners will need to apply for a transient rental unit license
- Property manager licensed with the City
- Maximum of 14 guests
- 2 cars allowed in the driveway
- Tax benefits
- Transient rental tax
- Sales tax
- Resort tax

Possible Findings

- The proposed use is a conditional use in the R-1-22 zone and is in the Transient Rental Overlay Zone.
- The proposal does meet the vision for residential development the R-1-22 zone within the TROD in the General Plan.

- Every licensed rental unit helps the city to comply with State requirements that allows the City to collect the resort tax
- Each property will be required to obtain their own individual transient rental business license before renting their property on a nightly basis

Motion: Commissioner Cliften: I make a motion that we recommend approval of a conditional use permit that would allow nightly rentals on future dwellings that would be built in the subdivision. The property is located at 425 Homestead Drive and is in the R-1-22 zone and Transient Rental Overlay District. We accept the staff findings and there are no conditions.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

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

Motion: Passed

Adjournment

Motion: Commission Ream

Second: Commissioner Bouwhuis

9:30 pm



Chairman – Jeff Nicholas



Admin. Assistant – Melannie Egan

