

## Midway City Planning Commission Regular Meeting Minutes July 14, 2020

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., July 14, 2020, at the Midway City Community Center  
160 West Main Street, Midway, Utah

### Attendance

Jeff Nicholas- Chairman  
Rob Bouwhuis– V Chairman  
Bill Ream  
Michelle Crawford (Zoom)  
Craig Simons  
Rich Cliften  
Andy Garland

### Staff

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

### Excused

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 Commissioner Simons
  - Chairman Nicholas led the Pledge of Allegiance
  - Swearing in new members Rich Clifton and Andy Garland

#### Item 1:

Review and possibly approve the Planning Commission Meeting of June 9, 2020.

**Motion:** Commissioner Bouwhuis: I move that we approve the Planning Commission meeting minutes of June 9, 2019 with the changes given to Melannie Egan.

**Seconded:** Commissioner Ream

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

**There was none**

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, Bouwhuis, Simons, Crawford, Garland

**Nays:** None

**Motion: Passed**

## **Item 2:**

David Johnson, agent for Sally P. Brinton, is proposing preliminary approval of a large-scale subdivision that will be known as Huntleigh Woods Subdivision. The proposal contains nine lots on 8.1 acres. The property is located at 885 North Pine Canyon Road and is in the R-1-15 zone.

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

#### **Land Use Summary**

- 8.1 acres
- R-1-15 zone
- 9 lots
- Public road
- 100' foot setback from Pine Canyon
- Public trail along Pine Canyon Road
- Homestead Golf Course

#### **Discussion Items**

- Sensitive lands
  - Floodplain
    - Zone AE & X
    - Located entirely in open space
- Existing culinary water line
  - Must be relocated
- Open space
  - 1.22 acre required
  - 2.01 acres provided
- 100' Setback from Pine Canyon Road
  - Setback for all structures

Will be noted on the plat

#### **Water Board Recommendation**

- 8.1-acre parcel
- Area of parcel
- 352,836 sq. ft.
- Lots – 213,444 sq. ft (4.9 acres)
- Impervious area for lots
- 72,000 sq. ft. (9 x 8,000)
- Irrigated area
- Irrigated area of lots – 141,444 sq. ft. (3.24 acres)
- Irrigated open space – 87,555.6 sq. ft. (2.01 acres)
- Park strip (estimation) – 7,830 sq. ft. (0.18 acres)
- Total irrigated acreage
- $5.43 \times 3 = 16.29$ -acre feet

- 9 culinary connections
- 7.2-acre feet (9 x .8)
- 23.49-acre feet requirement
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### **Possible Findings**

- The proposal does meet the intent of the General Plan for the R-1-15 zone
- The proposal does comply with the land use requirements of the R-1-15 zone
- A public trail will be built as part of the subdivision that will benefit members of the community
- 2.01 acres of open space will be created as part of the development

### **Proposed Conditions**

- A plan to supply water to The Homestead’s maintenance building is presented and approved by the City Engineer and The Homestead before preliminary approval is granted by the City Council.

### **Commissioners and Staff Comment**

Commissioner Garland asked if the golf course is irrigated. Michael Henke stated that the golf course will be irrigated.

There was a clarification regarding where the trail along Pine Canyon Road and the irrigation ditch. Commissioner Bouwhuis stated that the subdivision to the south has a trail that meanders around the ditch. Rob asked the developer if they could consider doing the same on the Huntleigh Subdivision. The developer Dave Johnson and Sally Britton stated that they would consider that request and suggestion as they want the area to be as beautiful as possible.

There was a discussion regarding the sidewalks and the rural feel. It is a possibility that that could be addressed later.

Dave Johnson the civil engineer stated that he could do a concrete ribbon to keep the integrity of the asphalt. Which would help with the rural feel. In the conversation it was revealed that in order to do that they would have to lose two lots. The developer stated that they would keep the curb and gutter. Michael stated that they could talk about this more during final approval.

**Motion:** Commissioner Ream: I make a motion that we recommend preliminary approval of a large-scale subdivision that will be known as Huntleigh Woods Subdivision. The proposal contains nine lots on 8.1 acres. The property is located at 885 North Pine Canyon Road and is in the R-1-15 zone. We incorporate staff findings and conditions of, a plan to supply water to The Homestead’s maintenance building is presented and approved by the City Engineer and The Homestead before preliminary approval is granted by the City Council, and prior to presentation to the City Council to have a plan that shows the trail and its relation to the irrigation ditch and to provide the Geo Tech report before presentation City Council Meeting.

**Seconded:** Commissioner Simons

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

There was a question about the Geo Tech Report and the plan showing the trail before city council.

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, Bouwhuis, Simons, Crawford, Garland

**Motion: Passed**

### **Item 3:**

Larry and Ellen Bonner are proposing a Conditional Use Permit for a Bed and Breakfast. Their property is 0.78 acres and is located at 47 South and 100 East. The property is in both the C-2 and R-1-9 zones.

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

#### **Land Use Summary**

- 0.78 of an acre
- Zoned C-2 and R-1-9
- Transient Rental Overlay District (TROD)
- Most of the property and all of the dwelling are located in the C-2 & TROD
- Applicant is proposing 3 rooms for rental

#### **Possible Findings**

- The proposed use is a conditional use for a property in the TROD.
- The property is within walking distance of Main Street with its restaurants and businesses.
- Traffic will increase in the neighborhood, but the increased traffic will still fall within established traffic count standards.
- The proposal does comply with the requirements of the code.

#### **Proposed Conditions**

- Staff has no recommended conditions

#### **Commissioners and Staff Comment**

There were no comments

**Motion:** Commissioner Bouwhuis: I make a motion that we recommend the approval of the Conditional Use Permit for a Bed and Breakfast. Their property is 0.78 acres and is located at 47 South and 100 East. The property is in both the C-2 and R-1-9 zones. We accept the staff report and the findings and there are no conditions.

**Seconded:** Commissioner Crawford

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

There was none

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, Simons, Crawford, Garland

**Nays:** Commissioner Bouwhuis

**Motion:** Passed

**Item 4:**

Berg Engineering, agent for SC Partners and Ryan Davis, is proposing a General Plan Amendment. The proposal is to amend the City's Road System Master Plan and remove part of a planned connection of 600 North between Pine Canyon Road and Farm Springs Road.

**Planner Henke gave a presentation**

**General Plan Amendment**

- Remove the planned 600 North from the Road System Master Plan
  - Applicant is offering low density on the property
- Legislative action
  - The City is under no obligation to modify the map

**600 North History**

Michael explained the history of the road and the modifications that have happened over the years

**Submittal Documents**

Michael showed the various maps from over the years

**General Plan Considerations**

- General Plan promotes:
  - Preserving open space
  - Preserving a rural atmosphere
  - Reducing density whenever appropriate

**Connectivity**

- General Plan promotes:
  - Connectivity
  - Additional east-west roads
  - Plan for current and future transportation needs
  - Alternate routes for emergency response

**Items of Consideration**

- How important is 600 North?

- Do we need to have a connecting road in an area where the nearest connecting roads are a mile apart and there are almost no other options?
- How is local traffic, emergency services, and future road construction detours impacted if the road is removed? How does this impact the community for the short-term and at full build out when Midway's population and traffic counts could be double or more?
- Open space and a rural atmosphere are important but are they important enough on a 3.9-acre parcel to eliminate the planned road?
- Eliminating the road could possibly reduce potential density from ten lots to two lots (assuming a code is adopted that could be used on the property). Does this make the proposal more acceptable?
- Should the impacts of Farm Springs lots 10 and 11 be considered since a temporary cul-de-sac easement will become permanent if the petition is approved.

### **Possible Findings**

- Findings supporting the amendment:
  - Potential density could be reduced if the road is removed.
  - Goals in the General Plan promote open space and a rural atmosphere.
  - The General Plan promotes reducing density whenever appropriate
- Findings opposing the amendment:
  - The road has been planned since 1977.
  - The City adopted Ordinance 2012-22 which specified the exact location of the road.
  - There are limited options for connecting Center Street and Pine Canyon Road.
  - With less connecting roads, more traffic is forced on to the existing roads which compounds as Midway grows.
  - Goals in the General Plan promote connectivity for local traffic circulation and emergency response.
  - More connectivity allows for options for detours when roads are under construction.

### **Commissioners and Staff Comment**

There was a discussion regarding who would be affected the most if the road was gone. Michael stated that the people on Pine Canyon will be most affected. The real issue is the connectivity especially for emergency services.

There was a discussion regarding the importance of connectivity. There are models and traffic counts that are out there. Michael stated that this isn't really a traffic count issue, it is a connectivity issue.

Paul Berg stated what Ryan Davis's motivation of wanting just the future 2 lot subdivision. Ryan knows that this will be difficult to make these changes and is very expensive, but he is trying to do right by his neighbors.

Paul Berg explained the road system master plan and the changes that have been made over the years.

Bill Ream asked the question if the city has ever contributed money to a road. It was explained that Midway did help pay for a portion of Michie Lane but the situation was very different than Ryan Davis's situation. Michie Lane was don't for connectivity to have an alternative for Main Street if Main Street ever needed a detour and most of Michie Lane was paid for by developers.

There was a discussion about the possibility of creating a new code to help with this type of situation. For this project to continue, the road needs to be gone, and a new code needs to be created.

Public Comment Open

None

Public Comment Closed

**Motion:** Commissioner Bouwhuis: I make a motion that we deny the request to amend the General Plan Amendment. The proposal is to amend the City's Road System Master Plan and remove part of a planned connection of 600 North between Pine Canyon Road and Farm Springs Road. We accept the staff findings as there is not enough incentive for the city to recommend changing the Road System Master Plan.

**Seconded:** Commissioner Garland

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

There was none

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, Bouwhuis, Simons, Crawford, Garland

**Nays:** None

**Motion:** Passed

### **Item 5:**

Berg Engineering, agent for Hilltop Homes, is requesting a non-entitlement review of a concept plan for the Kim Bezzant Subdivision Parcel B. The proposal is to subdivide the property in to six lots. The property is 3.64 acres and is located at 640 East and 200 South and is in the R-1-11 zone.

**Planner Henke gave a presentation**

### **Land Use Summery**

- Parcel B
  - 3.84 acres
- R-1-11 zone
- 6 lots
- Public road
- Temporary cul-de-sac

## **Discussion Items**

- Density
- 200 South
  - Street master Plan
- Resolution 2009-2

## **Commissioners and Staff Comment**

It was suggested that the road to curve to the south to meet with the road on the Neering's property, but the road through the proposed subdivision is in the street master plan and meets all requirements.

**This item does not require a motion.**

## **Item 6**

### **Training**

Melannie Egan to send the bylaws to all new commissioners via email.

We can have a bylaw training next month.

Michael gave a presentation on Motion Making

### **Motion Making**

- Chair may call for a motion
- A member makes a motion
- A member seconds the motion
- Discussion on the motion
- Possible amendment to the motion may be made if approved by the maker of the motion and the member that seconded the motion
- Vote on the motion

### **Making a Good Motion**

- Always give reasons supporting the decision made in the motion for approvals, disapprovals, and for continuances
- List supporting findings from staff reports or any other findings that the Planning Commission has discovered
- If the item ends up in court, the court will review the motion closely
  - The court wants to know the reasoning for any decision made
- Bad example:
  - I move we make a recommendation of approval of the Pine Shadows subdivision.
- Good example:
  - I move we make a recommendation of approval of the Pine Shadows subdivision based on the following reasons; the project complies with the R-1-22 zoning requirements, the project is not contrary to the intent of the General Plan, and the



traffic impact created by the subdivision is within the carrying capacity load for the roads in the area.

### **Administrative and Legislative Motions**

- Administrative (subdivision approval, CUP)
  - List findings
  - List conditions
  - Support of decision must be given in motion
- Legislative (zone map amendment, code text amendment, annexation)
  - List findings
  - List conditions
  - Support of decision must be given in motion
    - Broad discretion
    - Public clamor can be considered in motion
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  - List findings
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- Legislative (zone map amendment, code text amendment, annexation)
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  - List conditions
  - Support of decision must be given in motion
    - Broad discretion
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Adjournment

**Motion:** Commissioner Garland

**Second:** Commissioner Ream

9:00 pm

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Chairman – Jeff Nicholas

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Admin. Assistant – Melannie Egan