

Midway City Planning Commission Regular Meeting Minutes March 14, 2023

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., March 14, 2023, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Jeff Nicholas- Chairman
Andrew Osborne
Laura Wardle
Travis Nokes (Alt)
Genene Miles (Alt)
Kelly Lineback (Zoom)

Staff

Michael Henke – City Planner
Melannie Egan – Planning Tech
Wes Johnson – City Engineer

Excused

Andy Garland
Craig Simons-Vice Chair

Liaison Report

6:00 P.M. Regular Meeting

Call to Order

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

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of February 14, 2023

Motion: Commissioner Osborne: I make a motion that we recommend approval of the Planning Commission Meeting Minutes of February 14, 2023, as printed.

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Miles, Nokes, Wardle, Osborne and Lineback

Nays: None

Motion: Passed

Travis Nokes recused himself from Item 2, he remained in the chamber as he is the presenter for the project.

Item 2:

Travis Nokes, representative for Atlas Holdings, has submitted a final subdivision application and Conditional Use Permit for the proposed Springer Farms, a mixed-use project on approximately 1.26-acres. The proposed plan is a commercial planned unit development and includes eateries, commercial space, and short-term lodging. The property is located at 65 North 200 West and is in the C-3 zone.

Michael Henke gave a presentation.

Land Use Summary

- 1.26 acres
- C-3 zoning
- Frontage 200 West (SR 222) and utility access to Main Street
- Fronts Town Square
- Will be recorded as one plat
- Private driveways, parking, and landscaping that will be common area and will be maintained by the POA
- 4 buildings
 - Lower floor retail commercial units (including one possible restaurant)
 - 14 short-term rentals (will not include kitchens or individual laundry facilities)
 - Offices

Conditional Use

- Proposal is a conditional use
 - (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
 - (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

Items of Consideration

- Architectural theme
 - VAC reviewed and recommended approval on 1-10-23
- Parking
 - 44 required stalls
 - 13 stalls for short-term rentals
 - 6.4 stalls for the west building lower floor and 4 stalls for the west building upper floor
 - 10.2 stalls for the south building lower floor
 - 4.25 stalls for the restaurant
 - 5.8 stalls for the north building

- 50 stalls are provided in the application area
- Setbacks
 - Commercial buildings bordering a residential use in a commercial zone is 8'
 - Commercial buildings bordering a residential zone is 15'
- Maximum height of 35'
 - Architectural elements may reach a height of 52.5'
- TROD
- Property Owners' Association
- Utility easement across property to Main Street
- Landscaping and fencing plan
- Lighting
 - All lighting have full-cut-off except as allowed otherwise by code
- Dumpster and snow storage
- UDOT approval and improvements to 200 West

Recommended Water Requirement

- Restaurant seats
 - 24 seats x 35 GPD = 0.36 acre feet x 1.77 (return flow) = 1.66 acre feet
- 13 nightly rental units (no kitchen or laundry) = $13 \times 0.3 = 3.9$ acre-feet
- 2 laundries = 1.29 acre-feet (services a total of 13 suites at 50 GPD per suites)
- Commercial space bathrooms (3 toilets) = 2.97 acre-feet
- Outside irrigation 13,776 square feet (0.32 acres) = 0.95 acre feet
- Total = 10.77 acre feet
- Difference $10.77 - 4.5$ (already dedicated) = 6.27 acre feet

Possible Findings

- The proposal will benefit the City financially by creating a greater tax base and by providing more commercial options to the community.
- The proposal may help the City better comply with State requirements regarding the ability to collect resort tax.
- Commercial condominium developments are a conditional in the C-3 zone.
- The proposed parking plan does comply with code requirements.

Recommended Conditions

None

Commissioner Comments

There was a short conversation regarding the water. Travis Nokes stated that they do have the water and the little bit they do need will be leased from Midway Irrigation company which can be used for commercial.

There was a discussion regarding the entrance points to the short term rentals. Travis showed the commissioners where the entrances were on the site plan.

There was a discussion about parking and if they were going to restrict it to private use. Travis stated that they were not planning on restricting at this time. They believe that having it open will possibly help the retail businesses. However, if there comes a time that they possibly have a problem, they could revisit restricting the parking.

Motion: Commissioner Wardle: I make a motion that we recommend approval of the final subdivision application and Conditional Use Permit for the proposed Springer Farms, a mixed-use project on approximately 1.26-acres. The proposed plan is a commercial planned unit development and includes eateries, commercial space, and short-term lodging. The property is located at 65 North 200 West and is in the C-3 zone. We accept the findings in the staff report.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Miles, Wardle, Osborne and Lineback

Nays: None

Motion: Passed

Item 3:

Midway City is proposing an amendment to Chapter 16.26.6: Appeal Authority. The proposed amendment will establish a time limit for when an appeal decision by the City Council may be appealed to the District Court.

Appeal Authority

- Purpose
 - Clarify the appeal authority appeal process
- Proposed amendments
 - Time of appeal of an administrative decision would reduce from 30 days to 10 days which will match Utah law
 - Applicant would have 30 days to appeal the appeal authority's decision to district court
 - Appeal authority is required to issue a written decision within 30 days after the close of the appeal hearing
- *Except as provided in this Section, the City Council shall be the appeal authority of all non-variance land use decisions in which the City Council has not first acted as the land use authority. Only a decision in which a land use authority has applied a land use regulation to a particular land use application, person, or parcel may be appealed to an appeal authority. Appeal of such administrative decisions shall be made in writing to the City Council within 10 days of the administrative decision being issued in writing. The adversely affected party shall be required to present in its written appeal every theory of relief that the adversely affected party can raise in district court. The appellant has the burden of proving that the land use authority erred. The standard of review by the City Council shall be de novo. An adverse decision by the City Council acting as appeal authority may be appealed to district court within 30 days of the appeal authority's final decision, pursuant to Utah law.*
- *A. Appeal shall be made directly to district court of all non-variance land use decisions in which the City Council has acted as the land use authority. In acting as the land use authority, the City Council shall keep a written record of its proceedings in the form of minutes or other records.*

- *B. Each appeal authority shall issue a written decision within 30 days after the close of the appeal hearing.*

Possible Findings

- The proposed language will match State law.
- The proposed language clarifies the appeal timeline and process.
- The proposed language will better serve the City and the public by clarifying the process.

Commissioner Comments

Michael Henke clarified a few questions regarding the state law.

Public Hearing Open

None

Public Hearing Closed

Motion: Commissioner Nokes: I make a motion that we recommend approval of an amendment to Chapter 16.26.6: Appeal Authority. The proposed amendment will establish a time limit for when an appeal decision by the City Council may be appealed to the District Court. We accept the staff findings in the staff report.

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Miles, Wardle, Nokes, Osborne and Lineback

Nays: None

Motion: Passed

Item 4:

Midway City is proposing an amendment to Chapter 16.26.12: Conditional Use Approvals and Regulations. The proposed amendment will modify the conditional use permit review and approval process which will include, among other revisions, the ability of the Planning Director to determine if an application will be placed on an agenda.

Appeal Authority

- Purpose
 - Clarify that the City Planning Administrator will verify that an application is complete and is in compliance with applicable zoning ordinances.
- Current language:
 - After receiving the application at its next available regular meeting, the Planning Commission shall recommend the granting or denying of the conditional use permit based on the standards set forth in this Section.
- Proposed language:
 - After receiving an application that has been reviewed by the City Planning Administrator and verified as complete and in compliance with applicable zoning ordinances, the City

Planning Administrator shall place the application on the agenda of the next available Planning Commission meeting.

Possible Findings

- The proposed language clarifies that the Planning Administrator will not place an item on an agenda if it does not comply with the zoning code.
- The proposed language clarifies the abilities of the Planning Administrator.
- The proposed language will better serve the City and the public by clarifying the process.

Commissioner Comments

There was a discussion regarding the role of the planning commission and the future.

Insert the following: and only after the application is verified as complete and in compliance with applicable zoning ordinances.

Public Hearing Open

None

Public Hearing Closed

Motion: Commissioner Nokes: I make a motion that we recommend approval of an amendment to Chapter 16.26.12: Conditional Use Approvals and Regulations. The proposed amendment will modify the conditional use permit review and approval process which will include, among other revisions, the ability of the Planning Director to determine if an application will be placed on an agenda. We recommend that a sentence be added explaining the reasoning of the determination. We accept the other findings in the staff report.

Seconded: Commissioner Miles

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Miles, Wardle, Nokes, Osborne and Lineback

Nays: None

Motion: Passed

Adjournment

Motion: Commissioner Ream

Second: Commissioner Osborne

7:15 PM


Chairman – Jeff Nicholas


Planning Tech – Melannie Egan