

Midway City Planning Commission Regular Meeting Minutes June 13, 2023

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., June 13, 2023, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Jeff Nicholas- Chairman
Genene Miles (Alt)
Kelly Lineback
Craig Simons-Vice Chair
Bill Ream (Zoom)
Andrew Osborne
Laura Wardle
Andy Garland

Staff

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

Excused

Travis Nokes (Alt)

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 Laura Wardle
 - Chairman Nicholas led the Pledge of Allegiance

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of, May 9, 2023

Motion: Commissioner Garland: I make a motion that we recommend approval of the Planning Commission Meeting Minutes of May 9, 2023, as corrected.

Seconded: Commissioner Lineback

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

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

Nays: None

Motion: Passed

Item 2:

Berg Engineering, agent for Midway Meadows Ranch LLC, is proposing preliminary approval of White Acres Planned Unit Development. The proposal contains 6 building pads on 1.96 acres. The property is located at 500 Whitaker Farm Way and is in the RA-1-43 zone.

Michael Henke gave a presentation.

Land Use Summary

- RA-1-43 zone
- 1.96 acres
- 6 pads
 - Annexation Agreement allows PUD and Whitaker dwelling
 - 1 existing dwelling
 - 6 proposed pads
 - 5 future pads
- Public Road (existing)
 - Whitaker Farm Way
- No sensitive lands have been identified
- Pads will connect to the Midway Sanitation District sewer and to the City's culinary water line

Discussion Items

- Density – 12 potential building pads
- Location of PUD pads – building pads must be located generally to the north and east of the Whitaker residence
- HOA – PUD units must be members of the Whitaker Farms HOA
- Landscaping plan – all landscaping will be bonded and the landscaping bond will not be released until all landscaping is installed and inspected
- Building pad limited common area – proposed buildings pads will have limited common area that will allow for specific improvements per code

Recommended Water Requirements

- 1.96-acre parcel (85,377.6 sq. ft.)
 - Impervious area for dwelling, accessory structures, hard surfaces
 - 0.51 acres (22,215.6 sq. ft.)
 - 0.08 acres (3,600 sq. ft.) driveways
 - Irrigated acreage
 - 1.37 acres x 3 = 4.11 acre feet
- 6 culinary connections for new dwellings
 - 4.8 acre feet
 - 8.91 acre feet requirement

Possible Findings

- The Whitaker Farms Annexation Agreement allows the property to be developed into a 12-unit PUD.
- The proposed plan complies with the density and location requirements as described in the annexation agreement.
- The proposal complies with the requirements of the code for the number of required trees and the size of the limited common area per pad. Completed.

Proposed Conditions

- A revised plan must be submitted with one more tree to comply with the code. Completed.
- A revised plan must be submitted with the allowed size of limited common area per pad. Completed.

Commissioner Comments

Paul Berg stated that the Whitaker family are not planning to add the other future pads. However, in the future the family could develop them, but it isn't the current state of mind for the family.

Paul Berg gave a general presentation about the changes they made to get the plans to comply.

There was a discussion regarding continuing the item so the HOA and the developer could have ample time to work through the CC&R's. Michael Henke explained the process with a PUD and this was just the first meeting and the process would not be complete until August or September and that the project could not go to City Council without the CC&R's. So if the agreements are not finalized the process would delay final approval until the issues are resolved.

Comments from citizens

Tom Wardle who lives on Links Drive- He stated that the HOA was not aware that this issue was included in the annexation agreement and have not had time to work out the issues. He asked to have a continuance of the item until the issues are resolved before the item moves to City Council.

Katie Baird who lives on Whitaker Drive- She stated that the HOA was not aware that in the annexation agreement and had not had time to work out the issues. She asked to have a continuance of the item until the issues are resolved before the item moves to City Council.

Tami Harrison who lives on Waters Edge- Asked for an explanation regarding the bed and breakfast language. Michael Henke explained that it is possible that the large Whitaker home could apply for a bed and Breakfast. None of the pads would be able to be rented as a short term rental.

Brad Colton who lives on Waters Edge- Wanted to know if they have the HOA has a say in the CC&R's. Jeff Nicholas stated that it was their HOA and so yes, they do have a say in it.

Michael Henke stated that they could amend to change the annexation agreement.

Motion: Commissioner Simons: I make a motion that we recommend approval of preliminary

applications of White Acres Planned Unit Development. The proposal contains 6 building pads on 1.96 acres. The property is located at 500 Whitaker Farm Way and is in the RA-1-43 zone. We accept the two findings in the staff report with the third already completed. Adding a condition that the CC&R's be complete before the item goes to final approval with the City Council.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Miles, Osborne, Garland, Simons and Ream

Nays: Lineback, Wardle

Motion: Passed

Item 3:

Midway City is proposing an amendment to Chapter 16.15.4.G.11.B: Resort Master Plan Building height and envelope restrictions and Section 16.13.100.D. The proposed amendment will review and potentially revise the maximum building heights for buildings in the Resort Zone.

Michael Henke gave a presentation.

Code Amendment

- The current code could allow a structure to be a height of 55' which may be alarming to many residents and could potentially be interpreted to be against some provisions in the Midway General Plan. The maximum height that a structure could reach in the RZ, including architectural features, is 70'. The recently adopted General Plan promotes preserving view corridors and the current height ordinance would allow view corridors to be blocked.

Current Code

- 16.13.100.D
 - The height of buildings in Resort Zones may exceed 35 feet if all the requirements of the Recreational Resort Chapter of this Title are satisfied.
- 16.15.4.G.11.B
 - Building height and envelope restrictions. The standard maximum building height for buildings in Midway is 35 feet. Architectural elements as defined in "maximum height provisions for all buildings" found in this title shall have a height limit of 15' above the 35' height limit or above any City Council approved height. The City Council may, at its discretion, allow greater height in resort developments of a maximum of 55 feet subject to the following considerations: setbacks, elevation, view corridor, topography, etc. The City Council shall have no affirmative obligation to approve a height greater than 35 feet. If any buildings in a resort are proposed to have heights greater than 35 feet the applicant shall appear before the City Council to obtain approval, and shall provide the following documentation to justify the increased height:
- 16.15.4.G.11.B

- 1. A statement of all reasons the structure cannot be built without heights exceeding 35 feet.
- 2. A clear illustration of the impact of building heights over 35 feet on views from public roads and adjacent developed property. This documentation may take the form of a physical model or electronic graphic representations of the site, the buildings and the visual background of mountain and valley views. The model or electronic representation shall specifically compare the proposed site and building configuration with an alternative building configuration that provides the same usable space and meets the thirty-five-foot height and other configuration requirements of this Chapter.
- 3. Topographical information regarding the property.

Height Examples

- Midway Town Hall – approximately 40–45’
- Homestead Crater – approximately 50’
- Memorial Hill – approximately 200’

General Plan

- **Effective planning** through clustering, setbacks, Transfer of Development Rights and animal/agriculture ordinances will help Midway utilize its core areas to encourage small commercial uses and attainable housing, and also **preserve its view corridors**, maintain open areas and reinforce a historic rural and country feeling.
- **Protect** all of the environmental and natural resources of the city by requiring development to occur in a manner and location which respects sensitive environmental lands; wetlands, flood plains and natural drainage patterns, steep slopes, productive agricultural lands, geologically unstable areas, critical wildlife areas, vegetation and important scenic features such as ridge lines hillsides and **view corridors**.
- “Open space” may mean different things to different people. To some, open space is sufficient space between houses in a subdivision so that neighbors have “elbow room.” To others **open space is unobstructed views of the mountains and ridgelines surrounding our valley**. In the context of this General Plan, open space is both and much more. Midway embraces a comprehensive definition of open space, for more information please refer to City ordinances.

Possible Findings

- The proposed amendment will limit the height of all new structures to 35’.
- The proposed change will eliminate potential future lighting issues that may occur because of lighting that may be placed on structures taller than 35’.
- The proposed amendment will help preserve view corridors and viewsheds as described in the General Plan.
- The proposed change will ensure that resort buildings are the same height scale as other structures in Midway.

Commissioner Comments

Public Hearing Open
None
Public Hearing Close

Motion: Commissioner Garland: I make a motion that we recommend approval an amendment to Chapter 16.15.4.G.11.B: Resort Master Plan- Building height and envelope restrictions and Section 16.13.100.D. The proposed amendment will review and potentially revise the maximum building heights for buildings in the Resort Zone. We accept the findings in the staff report and no conditions.

Seconded: Commissioner Simons

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners:

Nays: None

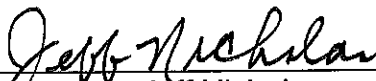
Motion: Passed

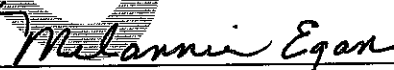
Adjournment

Motion: Commissioner Garland

Second: Commissioner Simons

7:15 PM


Chairman – Jeff Nicholas


Planning Tech – Melannie Egan