

Midway City Planning Commission Regular Meeting October 15, 2014

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., October 15, 2014, at the Midway City Community Center
160 West Main Street, Midway, Utah

6:45 P.M. Work/Briefing Meeting

- City Council Liaison Report, no action will be taken and the public is welcome to attend.

7:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance

Regular Business

1. **Review and possibly approve the Planning Commission Minutes of September 17, 2014.**
2. **Athina Koumarela, is requesting a Conditional Use Permit for private tutoring and small group consultation in her home. The property is located at 266 North Center Street and is in the R-1-15 zone.**
 - a. Discussion of Conditional Use Permit
 - b. Possible recommendation to City Council
3. **Midway City is considering a Code Text Amendment of Section 16.5.2: Warehousing and mini-storage units. The proposed amendment would add location restrictions, among others, to said uses within the C-2 zone.**
 - a. Discussion of Code Text Amendment
 - b. Public hearing
 - c. Possible recommendation to City Council

Planning Commission Minutes

September 17, 2014

Midway City Planning Commission Regular Meeting September 17, 2014

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 7:00 p.m., September 17, 2014, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance:

Mickey Oksner – Chairman
Stuart Waldrip
Nancy O’Toole
Steve Nichols
Jim Kohler
Natalie Streeter

Staff:

Michael Henke –City Planner
Lindy Rodabough – Admin Assistant
Jennifer Sweat – Treasurer
Wes Johnson – City Engineer

Excused

Bill Ream
John Rather
Chip Maxfield

6:55 P.M. Work/Briefing Meeting

Planner Henke gave the City Council Liaison Report. No action was taken and the public was welcomed to attend.

7:00 P.M. Regular Meeting

Call to Order

Chairman Oksner welcomed commissioners, staff and public. Chairman Oksner led the Pledge of Allegiance.

Regular Business

1. Review and possibly approve the Planning Commission Minutes of August 20, 2014

Commissioner Streeter suggested we state comments in italics represent Planning Staff comments one time only at the beginning.

Motion: Commissioner Nichols moved to accept the minutes as corrected by Commissioner Streeter.

Seconded: Commissioner Waldrip, Oksner

Votes: Ayes: Commissioner Waldrip, Streeter, and O’Toole

Nays: None

Motion: Passed

2. Paul Berg, agent for Eldon Wright Trust, is requesting Preliminary Approval for Eldon’s Place, a standard subdivision. The proposal is for five (5) lots located on 3.6

acres with an estimated .10 miles of new road. The subdivision is located at 50 West 970 South and is in the R-1-22 zone.

Planner Henke thanked Chairman Oksner, Planning Commissioners, and welcomed the public and staff in attendance.

Planner Henke stated that this request is for preliminary approval of a subdivision on 3.6 acres that will consist of five lots. Currently the property is being used for agricultural purposes. There will be a street built within the subdivision and all the lots will have access from that local street. There will not be access to the lots from Hwy 113 or from 970 South which is a collector road and only has direct access if the City Council grants it specifically. The lots range in size from 0.50 acres to 0.72 acres and all meet the requirements for acreage, width and frontage in the R-1-22 zone. Also a 20' wide public trail easement will be deeded to the City and the developer will build the trail through that easement which will connect to the existing trail in front of the LDS church to the south.

Planner Henke gave a power point presentation of the property

(Note: a copy of the presentation is available in the supplemental file)

LAND USE SUMMARY:

- 3.6 acre parcel
- R-1-22 zoning
- Proposal contains 5 lots (ranging from 0.50 acres to 0.72 acres)
- 8' paved public trail is planned for the area and will be constructed by the developer. The developer will grant a trail easement of 20' along the frontage of Hwy 113
- The lots will connect to the Midway Sanitation District sewer and the City's water line.

Planner Henke gave the following analysis of the subdivision:

Roads – The proposal is to build a new public road that will create frontage for the five lots in the subdivision.

Trails – The City's master trail plan does have an 8' paved public trail planned for Center Street. The trail will be located in a 20' wide public trail easement. The developer will be responsible for the dedication of the easement for that trail and also for building the trail.

Water Connection – The lots will connect to the City's water line located in Center Street.

Sewer Connection – The lots will connect to Midway Sanitations District's line located under Center Street.

Driveway Access – All driveway access will be limited to the local street that the developer will build in the subdivision. There will be no driveway access to Hwy 113 or to 970 S. The limited access to 970 S is based on the fact that 970 S is classified as a collector road and the City does not allow driveways on this classification unless specifically approved.

Planner Henke gave the following options as possible findings:

- The proposed lots meet the minimum requirements for the R-1-22 zoning district
- The proposal does meet the intent of the General Plan for the R-1-22 zoning district

ROAD: 970 S will be widened to the north to City Standards.

POWER POLES: The power poles will be moved/relocated further to the north. Heber Light and Power (HL&P) has talked about upgrading this transmission line all the way through the valley. Whoever comes first (the developer or HL&P) will be the one responsible for paying for the moving/relocating the power poles. If the developer is the one to move the poles he will be reimbursed/compensated all the impact fees for the roads within the subdivision (rough estimate of what the cost will be to move the poles). Before the developer starts construction he must post a bond and have a pre-construction meeting with staff including Wes (City Engineer).

TRAIL: There will be a trail (builder is responsible for this) added to this property connecting to the one in front of the LDS church and continuing to the North, Chairman Oksner asked for the new trail to be straight vs the one in front of the LDS which is curved.

DITCH: Commissioner Streeter had a question for Paul about the ditch. Paul Bergs reply: showing her the aerial photo described the ditch. The ditch is on 970 S cuts through property put in pipe run an easement along the lot line across the road and take it over to another lot line where it leaves the property and tie it back in. There is an existing pipe under Center Street.

Wright or Saddle Creek: Wes: As a part of Saddle Creek Ranch they show a 12” waterline connecting to a 12” waterline onto Center Street. Whoever comes first will be responsible for the install of the 12” waterline. The city will pay the difference from 8” to 12” through impact fees. Extension line agreement for the Soldier Hollow Mountain PUD they installed the 12” line existing agreement stipulates \$1,4036.61 reimbursement to the Soldier Hollow Project. Multiply that by five there is a \$7,183.05 reimbursement component that needs to be attached to this development also.

Chairman Oksner asked if there was any other questions regarding this item?

No other discussion was needed.

Motion: Commissioner Waldrip moved to recommend approval of the Eldon Wright Trust proposal for preliminary approval of the Eldon’s Place standard subdivision we accept the staff report that we find that the proposed lots meet the minimal requirements for the R-1-22 zoning district that the proposal meets the intent of the General Plan for the R-1-22 zone and that as conditions we attach to the motion that the Water Board must approve the proposal before it goes to the City Council and a development agreement accompany the recording of the plat.

Seconded: Commissioner Nichols

Votes: Ayes: Commissioner O’Toole, Waldrip, and Streeter

Nays: None

Motion: Passed

- 3. Paul Berg, agent for Ringo Ranch LLC, is requesting Preliminary/Final Approval for a small scale subdivision, Shelton Subdivision. The proposal is for one (1) lot located on .96 acres. The subdivision is located at 521 North Center Street and is in the R-1-15 zone.**

Planner Henke stated that this request is for preliminary/final approval of a small-scale subdivision on 0.96 of an acre. The one lot proposed in the subdivision will obtain frontage along Center Street. The property is located in an R-1-15 zoning district and the lot does comply with the minimum requirements of frontage, width and acreage for a lot in this zone. Currently there is a dwelling under construction on the property that is replacing an older home that was demolished earlier this year.

Planner Henke stated that the lot is being separated from a large agricultural parcel that is 4.89 acres in size. Because the agricultural parcel will not be a lot in the subdivision plat and the parcel does not qualify as a lot of record, the parcel will not be eligible for a dwelling building permit until it is approved as part of a subdivision and recorded on a subdivision plat either in its entirety or in lots. The developer will connect to the water main in Center Street and the sewer line that also runs along the road.

Planner Henke gave a power point presentation:

(Note: a copy of the presentation is available in the supplemental file)

LAND USE SUMMARY:

- 0.96 acre site (separated form 4.89 acre agricultural parcel)
- R-1-15 zoning
- Proposal contains 1 lot
- The lot already has a connection to the Midway Sanitation District sewer line and the City's culinary water line
- A 10' wide trail easement along the frontage of the property will be deeded to the City

Planner Henke gave the following analysis of the subdivision:

Roads – The proposal is to dedicate the property located in the right-of-way to Center Street to the City.

Trails – The City's master trail plan does have an 8' paved public trail planned for Center Street. The trail will be located in a 10' wide public trail easement. The developer will be responsible for the dedication of the easement for that trail and the City will build the trail at

a future date. A note will also be placed on the plat that will inform future lot owners of the future trail and the possibility that landscaping and other improvements may need to be removed when that trail is constructed.

Water Connection – The lot is connected to the City’s water line located in Center Street.

Sewer Connection – The lot is connected to Midway Sanitations District’s line located in Center Street.

Agricultural parcel – The Shelton’s are subdividing the proposed lot from the family’s agricultural parcel. Because the agricultural parcel will not be a lot in the subdivision plat and the parcel does not qualify as a lot of record, the parcel will not be eligible for a dwelling building permit until it is approved as part of a subdivision and recorded on a subdivision plat either in its entirety or in lots.

Planner Henke presented the following findings for the application:

- The proposed lot meets the minimum requirements for the R-1-15 zoning district
- The proposal does meet the intent of the General Plan for the R-1-15 zoning district

The Commissioners discussed the reason for the subdividing of this one lot as opposed to a lot split. For loan purposes and financial issues to divide the one acre lot off of the larger lot. The entire property is lot of record and has a building right and that is why there has always been a home on the property. If they had split it into two lots then the other lot would have a building right associated with it also and that is not their intention at the moment, because they want to keep it agricultural. They did not want to put in the utility improvements needed to make it a building lot. The agricultural piece cannot have any residential building permits unless it comes through with a subdivision plat and gets approved by the Planning Commission and the City Council. Once it is a recorded plat it would then be considered a lot at that point. The remaining agricultural property would then be considered a parcel. This proposal has been reviewed by the Sanitation District. A trail is planned for Center Street. The trail will not be built by the developer, but it will be built by the City at some future date using impact fee funds.

Chairman Oksner asked if there was any other questions regarding this item?

No other discussion was needed.

Motion: Commissioner Nichols moved that the Commission recommend approval of the Shelton Subdivision to the City Council with the findings as listed by staff that the proposed lot meets the minimum requirements for its zoning district and that the proposal does meet the intent of the General Plan with the condition that the Water Board must approve the proposed plans before the proposal is sent to the City Council.

Seconded: Commissioner Streeter

Votes: Ayes: Commissioner O’Toole, Streeter, and Waldrip

Nays: None

Motion: Passed

- 4. Paul Berg, agent for Jeannette Higginson Trust, is requesting an amendment to their Conditional Use Permit that was previously approved through Planning Commission on October 16, 2013 and City Council on November 13, 2013. The amendment would allow the use of aquaponics in their greenhouse. The property is located at 1150 South Center Street and is in the RA-1-43 zone.**

Chairman Oksner stated that item number 4 has been removed from the agenda and was pulled by the applicant.

- 5. Paul Berg, agent for Panda Properties, is requesting Preliminary/Final Approval for a small scale subdivision, Burgi Hill Subdivision. The proposal is for one (1) lot located on 1.7 acres. The subdivision is located at 1225 N. Interlaken Drive and is in the RA-1-43 zone.**

Planner Henke stated that this request is for preliminary/final approval of a small-scale subdivision on 1.7 acres. The one lot proposed in the subdivision will obtain frontage along Interlaken Drive. Interlaken Drive, at this point, is a private road and the applicant has provided easement documents that allow access to the property crossing the private road. The property is located in an RA-1-43 zoning district and the lot does comply with the minimum requirements of frontage, width and acreage for a lot in this zone.

Planner Henke stated that according to a chain of deeds for the property that was supplied to staff, the parcel in its current boundary description, was created in 2003. It did not receive any approvals from the City at that point in time so it is not eligible for a building permit unless it is approved by the City and a plat is recorded.

Planner Henke also explained that there are two easements that cross the property. The first is a Midway irrigation easement for a buried secondary water pipeline that crosses the center of the property from west to east. The second is an easement that runs across parts of the property on the north boundary line. A future dwelling on the property will need to not encroach on these easements.

Planner Henke gave a power point presentation:

(Note: a copy of the presentation is available in the supplemental file)

LAND USE SUMMARY:

- 1.69 acre site
- RA-1-43 zoning
- Proposal contains 1 lot
- Frontage along Interlaken Drive (private)

- The lot will connect to the Midway Sanitation District sewer and the City's water line

Planner Henke gave the following analysis of the application:

Roads – The lot will front Interlaken Drive which is a private road that is maintained by the residents of Interlaken and the HOA of Burgi Hill Ranches. The applicant has supplied easement documents that allow access to the property crossing the private road.

Trails – There are no trails that are planned to cross this property though there is a planned trail that runs along the southern boundary of the property and a public trail easement has been dedicated to the City along the northern boundary of the Deer Ridge Estates plat.

Water Connection – The lot will connect to the City's water line located under Interlaken Drive.

Sewer Connection – The lot will connect to Midway Sanitations District's line located under Interlaken Drive.

Planner Henke presented the following findings for the application:

- The proposed lot meets the minimum requirements for the RA-1-43 zoning district
- The proposal does meet the intent of the General Plan for the RA-1-43 zoning district

The entire parcel is owned by one person, Chris Dunn.

The Sanitation District has approved the proposal. The proposal still needs to go before the Water Board so a determination can be made by the Water Board and a recommendation to City Council regarding how many shares of water they will have to turn over.

The property is zoned RA-1-43 and therefore can be used for agricultural purposes.

The Commissioners discussed if the City can require or would want to require that the home not be built between the two easements. If the City felt like there was a compelling reason that it shouldn't be built in that area then it's possible that the City could make a condition like that. Planner Henke hasn't seen any reason that they shouldn't be able to build on the north side of the property. Planner Henke doesn't see the road/easement being very feasible if someone wanted to pursue that. It's not a road planned by the City. Someone has recorded an easement on this property in 2003; it's probable that this easement may never be used. There is enough distance between the two easements that a home could be built in between the two easements. The seller of this property is making sure that this property is a buildable lot. As long as all the standards and setbacks are made then the potential property owner/home builder can build anywhere on this lot.

The Commissioners discussed what was involved in getting this easement removed. The only way to have it removed is to find the person that the easement was granted to and have them relinquish the easement.

Commissioner Waldrip commented and other commissioners agreed with him that the

property owner is entitled to use his property the best way he can even though it's awkward and unusual but if he can find a way to put a house on it that meets the minimum requirements and criteria that the building department and the other standards that the City has we should not try to put a greater impediment in his way than he has already got with this crazy and unusual lot.

Chairman Oksner asked if there was any other questions regarding this item?

No other discussion was needed.

Motion: Commissioner Nichols moved that the Commission recommend to the City Council approval of the Burgi Hill Subdivision with the findings indicated by staff that the proposed lot meets the minimum requirements for the zoning district and the proposal does meet the intent of the General Plan with the conditions that the Water Board must approve the proposed plan before its presented to the City Council.

Seconded: Commissioner Waldrip

Votes: Ayes: Commissioner O'Toole, Streeter, Waldrip, and Nichols

Nays: None

Motion: Passed

6. Discussion on Storage Unit code text amendment. This item is a discussion item only and no action will be taken.

Discussed an activity zone for Midway City's Main Street

Reviewed sections of Midway City's planning documents

~Vision statement, emphasis on aesthetically pleasing and walkable

~Midway City's Main Street Vision

~Main Street goals and objectives

Most cities have storage units zoned in industrial areas

Mixed uses in front of storage units

Waldrip and Nichols want to address this further and get it changed. Oksner wants to address other items that are allowed on C-2 and discuss it.

Planner Henke said that he could prepare a proposed code text amendment for the next meeting.

Planner Henke asked if there was any other questions regarding this item?

No other discussion was needed.

7. Open Meeting Training

Planner Henke gave a presentation on Open Meetings

Chairman Oksner asked for adjournment
Commissioner Waldrip moved for adjournment at 8:32pm

Michael "Mickey" Oksner – Chairman

Lindy Rodabough, Administrative Assistant

UNAPPROVED

Athina Koumarela, is requesting a Conditional Use Permit for private tutoring and small group consultation in her home. The property is located at 266 North Center Street and is in the R-1-15 zone.



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: October 15, 2014
NAME OF PROJECT: Private Tutoring
NAME OF APPLICANT: Athina Koumarela
AGENDA ITEM: Conditional Use Permit
LOCATION OF ITEM: 266 N. Center Street
ZONING DESIGNATION: R-1-15

ITEM: 2

Athina Koumarela, is requesting a Conditional Use Permit for private tutoring and small group consultation in her home. The property is located at 266 North Center Street and is in the R-1-15 zone.

BACKGROUND:

This request for a Conditional Use Permit (CUP) by Athina Koumarela is for cottage industry that would allow the applicant to tutor students at her home. The student to tutor ration would be 1:1. She would also like to host "small group consultation of up to six people per event." Her property is located at 266 N. South Center Street and is located in the R-1-15 zone. The proposed use is allowed as a Conditional Use under the Cottage Industry Ordinance.

The applicant would like the ability to have students/clients visit her home so that she can tutor students and consult small groups of up to six people. She plans on accepting clients from Monday-Friday in the afternoons to about 7PM. During the summer she would accept students at any time during the day. Also she would only have the consulting group sessions about once a month. She does not plan to modify her home in anyway (though she will need to pass building inspection) and no signage is proposed at this time.

The greatest number of client vehicles that is anticipated to be parked at her residence at anytime is one or two vehicles. She has a large area to the north of her home that definitely accommodates many more than two vehicles. There is a large are to turnaround so no vehicle will need to back into Center Street.

This item has been noticed in the local newspaper for two weeks and in the State's website for the Planning Commission meeting. Mailed notice will be sent out to all property owners within 600' before the public hearing before the City Council.

ANALYSIS:

The comments in italicized represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the Planning Commission must make in considering this request. Section 16.26.120 requires specifically the Planning Commission to find that:

1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code; *planning staff believes that the proposal will not have a significant impact on the neighborhood because the volume of traffic and clientele will be very low and there will be no advertising, unless applied for in at a future date. Also, as staff has analyzed the proposal it appears that it will comply with the provisions of the Code.*
2. The proposed use is consistent with the General Plan; *no issues have been identified*
3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *the proposal is required to have an approved business license with the City. The applicant has applied for the license and it will be issued once all the requirements are met such as the issuance of the Conditional Use Permit among other requirements.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *No issues have been identified.*
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *the proposed use will create more traffic for the residence though it will be only a minor*

increase. It is the opinion of staff that the added traffic will not have a significant impact on the neighborhood.

6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the location is suitable for this type of business.*
7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to insure that the proposed use would not be detrimental to public health and safety; *no issues have been identified.*

POSSIBLE FINDINGS:

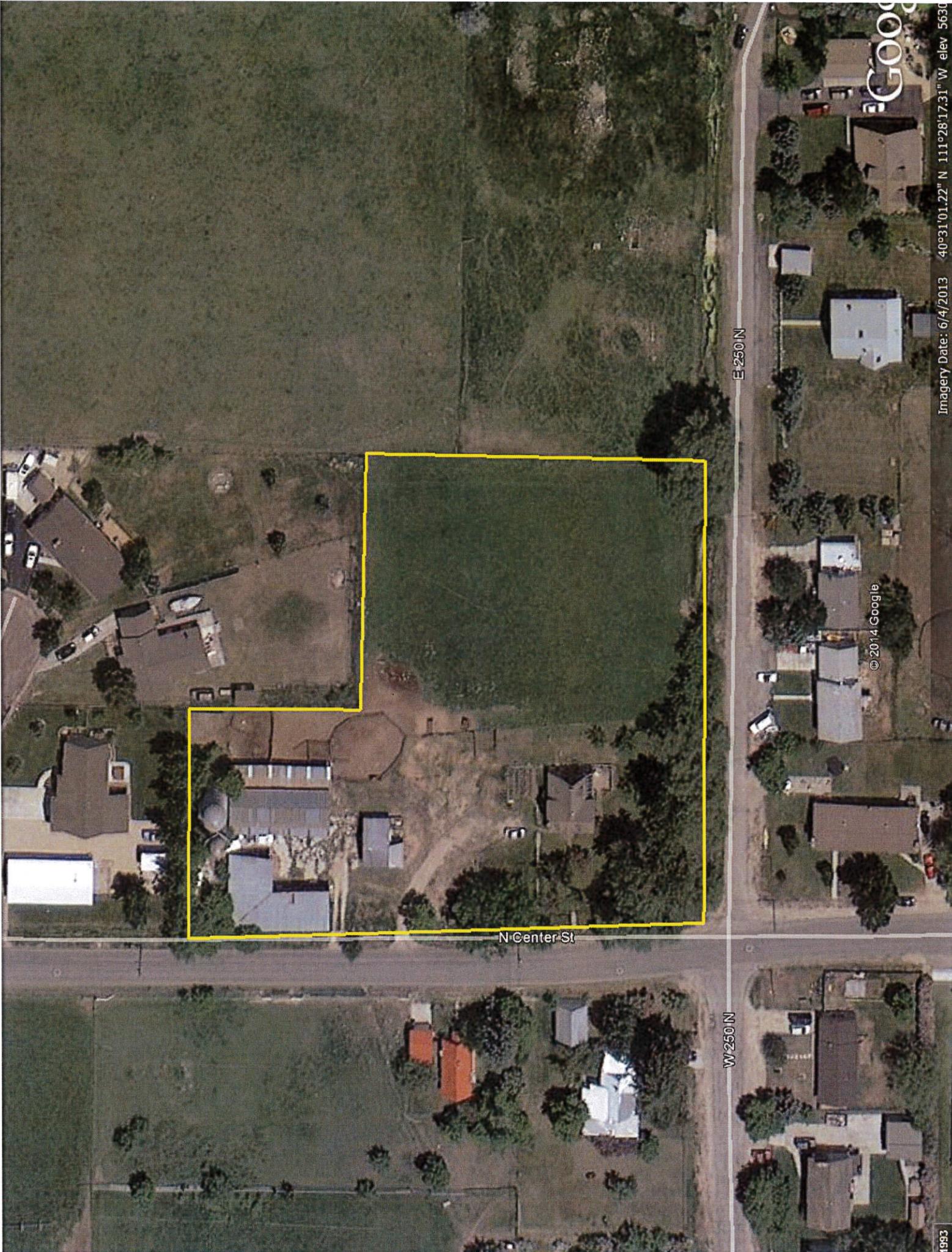
- The proposed use is a conditional use in the R-1-15 zone.
- The proposal will increase traffic to the residence.

ALTERNATIVE ACTIONS:

1. Recommendation of Conditional Approval. This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)
2. Recommendation of Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITIONS:

1. Any increase in the amount of clients over what is described in the staff report will require the Conditional Use Permit be reevaluated by the Planning commission and approved by the City Council.



N Center St

E 250 N

W 250 N

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Imagery Date: 6/4/2013 40°31'01.22" N 111°28'17.31" W elev 5630

1993

Midway City is considering a Code Text
Amendment of Section 16.5.2:
Warehousing and mini-storage units. The
proposed amendment would add
location restrictions, among others, to
said uses within the C-2 zone.



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: October 15, 2014

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Title 16.5.2: Commercial C-2 and C-3 Zones

ITEM: 3

Midway City is considering a Code Text Amendment of Section 16.5.2: Warehousing and mini-storage units. The proposed amendment would add location restrictions, among others, to said uses within the C-2 zone.

BACKGROUND:

The proposed code text amendment will regulate the placement of warehousing and mini-storage units in the C-2 zone where they are currently allowed as a conditional use. Basically this means that any application that is received by the City for storage units would first be reviewed by staff, then by the Visual and Architectural Committee, then by Planning Commission, and finally there would be a public hearing before the City Council. Conditional uses are mostly an administrative matter and are usually approved except under the most extreme circumstances. Section 16.26.12 states, in part, the following:

The consideration of an application for a conditional use shall be governed by the following standard of Utah Code: (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.

In the end any application by the City would almost certainly need to be approved even if there is resident opposition to the proposal as long as the applicant can comply with any of the reasonable conditions required by the City. Staff feels it is important for the City to address the current statute to evaluate if it complies with the General Plan and if it needs to be amended to assure the City's vision for Main Street will be met.

The main concern that staff has is that storage units will detract from Main Street as is described in a number of City documents including the City's Vision Statement and the General Plan, specifically the chapter on Main Street.

The City's Vision Statement is as follows:

Our vision for the City of Midway is to be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances its small town Swiss character and natural environment, as well as remaining fiscally responsible.

Storage units that front on Main Street or Center Street will be very visible and will be difficult to make "aesthetically pleasing". The General Plan also describes Main Street as an area that should be vibrant and full of activity. Certain businesses such as restaurants and retail create the activity that is described in the General Plan and other businesses detract from activity because they are visited infrequently. Storage units fall into this category. The General plan states the following:

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.

Storage units are a business that is in demand and surely have a place in the community but right along Main Street is not the best place for them. Midway will be a better community if the activity generating businesses front Main Street and businesses such as storage units are left to fill in the commercially zoned inner areas of the large blocks that make up the center of Midway.

Staff is proposing that storage units have a 100' setback from any street. This will allow other businesses or dwellings to be located in front of the storage units. Storage units will still need to comply with architectural requirements as listed in the code but they will not be located in the most visible and valuable frontage area of lots that are so important to creating a vibrant and active commercial area.

Staff is proposing the following text be added as Section 16.13.46 of Supplementary Requirements in Zones.

Section 16.13.46 Warehousing and Mini-Storage Units

- A. All warehousing and mini-storage units shall have a setback of 100' from any public road.**
- B. Warehousing and mini-storage units shall be built concurrently or after commercial or residential uses located in the 100' setback area on the same property.**

Also being proposed is that storage units be built concurrently or after commercial or residential uses are built in the 100' setback area so that the City does not have the situation where storage units are built first and the City is left with large open areas void of development in the commercial zone.

Alternative Option #1

Another option to consider is to move this particular use out of the C-2 zone and allow it in the B & MP zone as a conditional use. Through staff's experience most cities and counties allow storage units in industrial zones and the B & MP is the closest zone the City has to industrial.

Alternative Option #2

An additional option available is to eliminate them from the code entirely. The City is not required to allow every type of use possible in the City unless it is a use protected by free speech rights or protected by federal statute. It is possible to amend the code so that this use is specifically not allowed in any zone.

ANALYSIS:

This proposed amendment allows the City to control the appearance of Main Street in a manner that helps promote the City's Vision statement which states in part, "building a city that is family-oriented, aesthetically pleasing, safe, walkable, and visitor friendly." Staff feels these changes will help the City to further promote its vision. Any new warehousing or storage unit development will need to abide by these guidelines which will help Midway develop as envisioned in the general Plan.

POSSIBLE FINDINGS:

- The addition of the proposed ordinance will better promote the City’s Vision Statement.
- The proposal will better comply with the vision of midway as described in the General Plan.
- Only new construction will be affected by this ordinance.

ALTERNATIVE ACTIONS:

1. Recommendation for approval. This action can be taken if the Planning Commission feels that the proposed language is an acceptable addition to the City’s Municipal Code.
 - a. Accept staff report
 - b. List accepted findings

2. Continuance. This action can be taken if the Planning Commission feels that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

3. Recommendation of denial. This action can be taken if the Planning Commission feels that the proposed language is not an acceptable addition to the City’s Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

