

Minutes of the Midway City Planning Commission

**Wednesday, 20 November, 2013 7:00 p.m.
Midway Community Center
160 West Main Street, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, The Store Express, the Midway City Office Building, and the Midway Community Center. The public notice/agenda was published on the Utah State Public Notice Website and a copy sent to The Wasatch Wave.

Attendance:

Kent Kohler – Chairman
Mickey Oksner - Co-Chairman
Jim Kohler
Karl Dodge
Stuart Waldrip
John Rather
Natalie Streeter

Staff:

Michael Henke – City Planner
Jennifer Sweat – Administrative Assistant

Excused:

Chip Maxfield
Steve Nichols

6:50 P.M. Work/Briefing Meeting

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

7:00 P.M. Regular Meeting

Call to Order

Chairman Kohler opened the meeting and welcomed the commissioners, staff and public. Commissioner Stu Waldrip gave the invocation. Chairman Kohler led the Pledge of Allegiance.

By way of information Commissioner Maxfield and Nichols were excused from tonight's meeting.

Regular Business

1. Review and possibly approve the Planning Commission Minutes of October 16, 2013.

Motion: Commissioner Karl Dodge made the motion to approve the Planning Commission Minutes of October 16, 2013 with the correction on page three, paragraph four, change word designed to design, and page 12, Nays – the word NONE should be removed. Jennifer Sweat,

secretary stated she would make those corrections.

Chairman Kohler asked if there were any other discussions on the motion?

No further discussion were needed

Seconded: Commissioner Waldrip seconded the motion.

Votes: Ayes: Commissioner Oksner, Commissioner J. Kohler, Commissioner J. Rather.

Nays: None

Motion: Passed

- 2. Brad Wilson, City Recorder will swear in Natalie Streeter as an alternate member of the Planning Commission.**
- 3. Paul Berg, agent for Daniel Luster, is requesting Preliminary Approval for The Settlement (Farm Springs). The proposal is a large scale-subdivision and consists of 14 lots on 26 acres. The property is located at about 550 North Center Street and is located in the R-1-15 zone.**

Planner Henke thanked Chairman Kohler and the Commissioners.

Planner Henke stated that this is a request for preliminary approval for the proposed project named Farm Springs, previously known as The Settlement. The project consists of 14 lots on 26 acres. The proposal does have sensitive lands over part of the property and it is in an area where a future planned collector road will be built along with an accompanying trail. The 600 N. collector road that is part of this development is an important connector road for the City. There are few east-west connections and this is one of the last options available. This road has been part of the City's Transportation Master Plan since 1977. This property has been known as The Settlement for the past two times that it was proposed for development. Initially the proposal consisted of 36 lots in a Planned Unit Development then last year it was proposed with 11 lots. Neither of those two plans currently have any entitlement.

Planner Henke presented a power point presentation of the property.

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

Planner Henke stated that the City's master road plan has a collector road planned that crosses the proposed development from Center Street to Pine Canyon Road. This is an important street for the City because of the lack of east-west roads in the City. The City has planned on this road since at least 1977 and this location is the best location for this collector road. It is important that the City secure the right-of-way and also assure that the road is constructed when development occurs. This has become a complicated issue because the Homestead Golf Course has an easement over an area where the road will need to cross. The City, the developer, and Steve Eddington of The Homestead have worked diligently to try to solve the issue of how to build the road without reducing the requirements that the golf course has for Hole 15. Through cooperation it was decided to move the street farther north. This will work but it will involve the cooperation of two additional land owners and potentially the expense to the City will be greater

because of the acquisition of the land and possibly because of the construction of the road. This is the current and preferred plan adopted by the City Council last year. Basically the plan is for the road to be placed 10' south on the golf course easement and 40' north on the Doxy property to accommodate the 50' easement.

Planner Henke stated that the developer is asking that the City approve a rural cross section for the project instead of a more urban cross section. The urban cross section includes curb, gutter, and a sidewalk while the rural cross section would have a swale instead of the curb and gutter with an 8' wide concrete trail on the north side of the road. The City Council will have the ultimate decision on what type of road cross section is acceptable.

Planner Henke stated that there is a 8' detached public trail that will be built north of the proposed road. Eventually this trail will connect to a trail in the Midway Village PUD that will allow trail users to cross from Pine Canyon Road to Center Street entirely on a detached trail. It was originally approved to have this trail be constructed with concrete.

Planner Henke stated that the City has a cul-de-sac limitation of 500'. The current proposal reaches a length of about 1300' feet in length. This does meet the fire districts standards but City Council will need to approval the extended length. When 600 north is completed to Pine Canyon Road then the cul-de-sac length will be reduced to just over 300' in length. Because of the nature of the collector street and the fact that it will eventually connect to Pine Canyon Road staff feels that this is an acceptable plan.

Planner Henke stated that there are delineated wetlands on the property that cover mostly the southern area near The Mound. These areas will be shown on the plat and cannot be disturbed. A building envelop will be placed on each lot that has wetlands so that no future buildings will be allowed on those sensitive land areas. Also a note will be placed on the plat that will explain that landscaping or disturbance of any kind will not be allowed in the wetlands areas.

Planner Henke stated that the City has a ridgeline overlay area on some of the property. The area of The Mound is an elevated hill that is visible from many surrounding properties. The City code will not allow construction on or near The Mound that will allow any part of a structure to rise above the ridgeline when viewed from specific vantage points in the City.

Planner Henke stated that possible findings for this application would be:

- The proposal does meet the requirements for the R-1-15 zone.
- The proposal seems to comply with the visions as stated in the General Plan for the area
- Temporarily the road will exceed the cul-de-sac length limitation of 500' but as the road is completed in the future it will connect to Pine Canyon Road and length will no longer be an issue.
- The road does not exceed the Fire Districts 1300' length limitation.

Planner Henke stated that they did have a Development Review Committee with the Fire District, Public Works, as well as Paul Berg, and they had no concerns as the subdivision was

presented, and it meet all requirements.

Commissioners discussed the temporary cul-de-sac, the material the trail would be constructed with and the amount of open space that would not be available to the public. Planner Henke went over each item with the commissioners.

Commissioner J. Kohler had question regarding the 14 acres and felt a bit uneasy having that much open space not available for the public. He mentioned the park in Valais which was used by the public and maintained by the City.

Planner Henke stated that regarding Valais they had to have 50% open space, which is why they decided to give that property to the city for the Park. This developer does not need that much open space, and hasn't mentioned wanting to give the property to the City. Also the City has not and does not plan on having a future park in that area.

Chairman Kohler asked if there were any other questions?

No further questions were needed.

Motion: Commissioner Waldrip made a motion to approve the Preliminary Approval for Farm Springs as presented. The proposal is a large scale-subdivision and consists of 14 lots on 26 acres. It was also moved to accept the staff findings as given in staff report and to also recommend that with trail being made with asphalt instead of concrete.

Chairman Kohler asked if there were any other discussions on the motion?

Commissioner J. Kohler feels there is a basis to continue the item to discuss further the public access to the property regarding the open space. The other commissioners did not feel that way, and wanted to continue with the motion that had been made.

Seconded: Commissioner Oksner

Votes: Ayes: Commissioner Dodge, Commissioner Rather, Commissioner Streeter.

Nays: Commissioner J. Kohler

Motion: Passed

4. Paul Berg, agent for Roy Remund, is requesting a Concept Plan Review. The property is located on 600 North and River Road and is located in the R-1-15 zone.

Planner Henke thanked Chairman Kohler and the Commissioners. He stated that there are Three (3) levels of approval for Planning Commission: Concept Plan Review, Preliminary and Final. There is no entitlement with Concept Plan Review, it is to discuss and review, and receive feedback to the applicant. No motion would be made this evening for this item.

Planner Henke stated that there was no Staff Report for this item, but he would give a brief overview of the property. It has a proposed 48 lots on 27.38 acres, it will have 6.18 acres of open space (22.57%) and the code only requires 15%. The property is located in the R-1-15 zone.

Planner Henke presented a power point presentation of the property which showed a plat map of the property showing othe lots, trails and landscaping.

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

Planner Henke stated that the property has been a functioning dairy farm for many decades. The proposal is to develop this property. There is still quite a bit of agricultural land to the west. When planning for future parks this is the general area where the park was discussed, which is where the bulb is shown on the plat map. The way the open space has been placed, follows the sensitive land, there is a spring and ditches on the property, and it creates a linear path way which could be an asset to the City to connect it to 250 North or further South. It could even eventually go up to the Valais Park.

Planner Henke stated that his comments on this property would be:

- Obtain an easement for the trail to the end of the property to obtain an East/West Connection.
- Need a cross section of the road.
- Usually like to have the open space next to a collector road, however it is understood that there are two existing homes on the main collector's road.
- The area identified for open space does have sensitive land, and it make sense why the developer picked this area.

Paul Berg, agent for the property, stated that usually when he leaves this type of meeting, he typically goes back to his office and starts drawing up plans for the preliminary application for the development. However, this may or may not be the case on this project. He asked that Jennifer Sweat, Administrative Assistant, take really good notes so that whoever takes this project to the next step has some guidance. Jennifer stated that she would make sure to take good notes.

Paul stated this was a unique piece of property. It has a wetland area, ditches, and elevation differences. They have tried to turn a possible restriction to the property and make it more of an amenity. He discussed the plan and concept for the property. Paul stated that the intent is to get comments to see if there are any concerns from a zoning standpoint or if any additional studies would need to be done, or if there are any concerns on this project if this exact plan was to come before the commission as a preliminary plan. Significant due diligence has been completed on this property. If any future developer comes in they can clearly see what the concerns of the City were and the property owners can move forward with a clear picture of what they are looking at.

As the property was discussed the following comments/concerns were brought up

- It was asked if the property had a developer. At this time they do not have one and Mr. Berg isn't sure who will be building homes.
- They discussed the water features. Mr. Berg stated that it was for the most part natural; however there are portions that are wetlands.

- The property will need to have a Geotechnical study which is noted on the plans
- There are Wetlands on the property.
- As presented it does meet the City Code and would be perfectly acceptable to use this plan; however a few commissioners feel that some of the lots are small, and perhaps they should be fewer lots, larger lots, and charge a higher price. They felt the lots on the south border of the lots were smaller.
- They asked if wetlands can be part of the open space. Planner Henke stated that was possible. They do have a trail going North and South, so there is trail connectivity.
- Connectivity to the potential development to the west is something that needs to be looked at.
- Discussed that both entrances are located on 600 North.
- The city could possibly work with the developer to do a pocket park.
- A PUD could be developed on this property, which means with 60 to 65 homes instead of the proposed 48 homes.
- Would have like to see more open space next to 600 North; however they have done well to use the space that they have without tearing down existing homes on 600 North.
- Sewer might require some work. Other utilities appear ok.

Planner Henke and Paul Berg stated that if this goes forward, the Wetland Report, and Geotechnical Study would need to be included with that application.

5. Public Hearing for proposed General Plan Amendment of the Moderate Income Housing Elements (pgs. 41-44). The proposed amendment would modify the language in this section of the General Plan.

Planner Henke stated that the proposed General Plan Amendment of the Moderate Income Housing Element will be continued until the next Planning Commission Meeting as it is being discussed at a special City Council meeting, December 4, 2013.

Motion: Commissioner J. Kohler made the motion to continue this item until the December 2013 Planning Commission Meeting because of the City Council discussing the matter at a special council meeting.

Chairman Kohler asked if there were any other discussions on the motion?

No other questions were given.

Seconded: Commissioner Dodge

Votes: Ayes: Commissioner Rather, Commissioner Streeter Commissioner Oksner and Commissioner Waldrip.

Nays: None

Motion: Passed

6. Public Hearing for Proposed Code Text Amendment to Section 16.5.2: Permitted and Conditional Uses in the C-2 and C-3 zone. Add definition of “Mixed Use” in Section 16.2 definitions.

Planner Henke thanked Chairman Kohler and commissioners.

Planner Henke stated that Section 16.5.2 of Chapter 16.5 COMMERCIAL C-2 and C-3 ZONES of the Land Use Code currently allows R-1-7 residential development as a permitted use in the C-2 zone but does not allow it in the C-3 zone. The proposed changes would allow R-1-7 residential development as a permitted use in the C-2 and C-3 zones.

Planner Henke presented a power point presentation of the property.

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

Planner Henke stated that the current USES Table allows “dwelling units *above or below* permitted commercial use” in the C-2 zone but requires a Conditional Use Permit in the C-3 zone. The proposed changes would change the language “dwelling units above or below permitted commercial use” to “mixed use” and allow mixed uses as a permitted use in the C-2 and C-3 zones. The definition of “mixed use” would be added to Section 16.2 DEFINITIONS of Chapter 16.

Planner Henke stated that Staff is proposing the following definition of “Mixed use”:

Chapter 16.2.52. Mixed Use. A development in the commercial zone that blends a combination of residential and commercial uses where functions are physically and functionally integrated and provide a stronger neighborhood character and more compact development.

Planner Henke stated that the proposed changes would allow residential and mixed use development in the C-2 and C-3 zones as a permitted use. The underlying zoning regulations would still apply. Many of the lots in the commercial zones are deep and lend themselves to residential or mixed use developments. Additionally, there are several existing examples of mixed use commercial development (Country Corner, 157 Main, Rebook, and Nightly Cottages). Planner Henke believes that changing the code to reflect actual circumstances will encourage residential and mixed use developments in the downtown commercial corridor.

Planner Henke stated that possible findings for this item would be:

- The proposed changes support the Main Street Objectives in the General Plan.
- The proposed changes will likely increase the available moderate income housing options in the City.

Planner Henke stated that possible conditions for the item would be:

- Residential and mixed use developments in the C-2 and C-3 zones will be required to go before the Vision and Architecture Committee.

Commissioners discussed the proposed changes, where the zones were at, and what the proposed changes would do. The staff report was reviewed by Planner Henke with the commissioners. They all felt that this was a good change, and supported the change.

Chairman Kohler opened the meeting for a Public Hearing.

No comments were given, and Chairman Kohler closed the hearing.

Chairman Kohler asked if there were any questions?

The commissioners discussed whether to make both zones permitted, or to make C-3 zone be conditional use, and perhaps keep it more restricted. It was mentioned that even with permitted use it goes before the VAC committee so there is some discretion. The majority of the commissioners felt it was better to maintain more control over C-3, and make it be Conditional Use.

No other comments were made.

Motion: Commissioner Waldrip made the motion to approve the Proposed Code Text amendment to section 16.5.2, making the R-1-7 residential a permitted use in the C-2 zone, and a conditional use in the C-3 zone. As well as adding the definition of "Mixed Use" in Section 16.2 definitions, using the definition as presented by staff, accepting staff findings as well.

Chairman Kohler asked if there were any other discussions on the motion?

No further discussion was needed.

Seconded: Commissioner Streeter

Votes: Ayes: Commissioner J. Kohler, Commissioner Rather, Commissioner Oksner

Nays: None

Motion: Passed

Commissioner Karl Dodge abstained from this vote

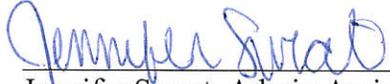
Chairman Kohler asked for motion to adjourn.

Commissioner Streeter moved for adjournment @ 8:57 p.m.

Motion Accepted.



Kent Kohler, Chairman



Jennifer Sweat, Admin Assistant