

Midway City Council
2 February 2021
Regular Meeting

Ordinance 2021-05 /
City Architect



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: February 2, 2021

NAME OF APPLICANT: Midway City

AGENDA ITEM: Code Text Amendment of Section 2.07: Vision Architectural Committee

ITEM: 9

Midway City is proposing a code text amendment of Section 2.07: Vision Architectural Committee of the Midway City Municipal Code. The proposed amendment would amend the approval process for commercial development and include the review of a Town Architect. The Town Architect would work with development designers to assure that the vision of Midway and the architectural requirements are followed for any commercial projects. The Town Architect will help prepare projects for compliance before the Vision Architectural Committee reviews the project.

BACKGROUND:

Midway is proposing an amendment to the review and approval process for any commercial structures that require the review of the Vision Architectural Committee (VAC). The proposed amendment (please see attached) would require that commercial projects, including mixed-use developments (both commercial and residential structures), will be reviewed by the Town Architect and Planning Department before the item is presented the VAC.

The development of Main Street, Center Street, and the resort areas are very important to the future financial success of Midway and for creating a community that the residents and visitors enjoy because of its charm and character. It is important that as Midway changes and develops that we do not lose that charm and character and that new structures embody the heritage that has been created. Staff feels that Midway has arrived at the point that a professional architect should review all projects that require adherence to the architectural guidelines, becomes part of the review process. An architect will be able to work with the developer's design team and will be able to use their training and experience to promote and direct design that matches the vision of Midway as described in the General Plan. The General Plan supports good design with the following language:

General Plan: Elements of the Community Vision

- Midway will have a unique identity defined by a Swiss European look and feel.
- The Midway "Main Street" district will be defined by homes and businesses that reflect a Swiss/European architecture.
- The Swiss/European theme will draw families and tourists because of its wholesome family orientation.
- Because of the Swiss/European theme businesses will be attracted to Midway and will thrive in this unique environment. Midway ordinances and policies will help them succeed.
- Cultural activities and events will reinforce a family friendly environment with a Swiss/European feeling.
- City ordinances and architectural guidelines will help to define and be consistent with a Swiss/European look and feel.

Each application that requires architectural compliance with Midway's theme would require a review deposit based on an hourly rate. Any unused deposit funds would be returned to the applicant. The City Council has already approved the fee for the Town Architect in the fee schedule. The required deposit would be \$400. The cost would cover two hours of review with the architect. Two hours would be the maximum amount of time that would be required for any project before it is presented to the VAC. If only one hour is needed, then \$200 would be returned to the applicant. The deposit would be required with the application and before a meeting with the Town Architect is scheduled.

Again, staff feels that a professional architect will help Midway develop in the manner described in the General Plan. Also, this change will make the approval process easier for the VAC and for staff. This proposal should have a major impact on the look of Midway for the decades to come.

POSSIBLE FINDINGS:

- The proposed amendment will help assure that the vision of Midway comes to fruition with each new development that requires adherence to the theming and architectural guidelines.
- A professional architect will be able to work with the developer's design team using education and experience that only a trained professional will have.
- Any commercial and mixed-use projects that require VAC review will be examined by the Town Architect.

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
2. Continuance. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - 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. Denial. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

CHAPTER 2.07 VISION ARCHITECTURAL COMMITTEE

Section 2.07.010 Establishment

Section 2.07.020 Authority

Section 2.07.030 Procedures

Section 2.07.010 Establishment

There is hereby established a Vision Architectural Committee (hereinafter known as the "VAC") for Midway City. ~~Members.~~ The VAC shall consist of five members appointed by the Mayor, with the advice and consent of the City Council. Two consecutive four-year terms shall be the limit for membership. Partial terms shall not be considered in determining whether a person has served two consecutive terms. A Town Architect will also be appointed by the Mayor, with the advice and consent of the City Council. The Town Architect will be appointed for a four-year term. There are no term limits for the Town Architect.

Section 2.07.020 Authority

As set forth herein, the VAC, planning staff, and Town Architect is are responsible for reviewing ~~development proposals,~~ commercial building permit applications, including are commercial and residential structures in mixed-use developments, and making recommendations to foster compliance with the City's Vision Statement and adherence to the City's architectural guidelines and standards. The VAC and planning staff are responsible for reviewing, ~~and~~ sign permit applications, and making recommendations to foster compliance with the City's Vision Statement and adherence to the City's architectural guidelines and standards.

~~A. Development Proposals. The VAC shall be responsible to act pursuant to any City ordinance standard, or policy that requires review and approval of a development proposal of six lots or more for compliance with the City's Vision Statement, qualification for Swiss-European density bonus, or other development architectural compliance criteria. The VAC shall make a recommendation on any such proposal and forward its recommendation to the Planning Staff who shall compile and send the information to the Planning Commission, and then ultimately to the City Council, which is the City's land use authority for development proposal decisions.~~

~~B.A.~~ Commercial Building Permits. The VAC and Town Architect shall be responsible to act pursuant to any City ordinance standard, or policy that requires review and approval of commercial building plans and/or designs for compliance with the City's Vision Statement and/or other architectural guidelines. The VAC shall make a recommendation on any such building permit application and forward its recommendation to the Planning Director, who is the City's land use authority for building permit decisions.

~~C.B.~~ Sign Permits. The VAC shall be responsible to act pursuant to any City ordinance standard, or policy that requires review and approval of plans and/or designs for a sign to be placed anywhere within the City. The VAC shall make a recommendation on any such sign permit application and forward its recommendation to the Planning Director, who is the City's land use authority for sign permit decisions.

~~D.C.~~ Design Element Guidelines. The VAC shall have the authority to compile and publish design element guidelines for use by the VAC and by applicants in accomplishing the purpose of the provisions contained herein.

Section 2.07.030 Procedures

Review and recommendation by the VAC shall be governed by the following provisions:

~~A. Optional Pre-Review. If desired, an applicant may obtain feedback from the VAC before~~

his/her formal plan submittal. To arrange for a preliminary feedback session, the applicant may submit initial concept drawings prior to furnishing a complete set of plans and blueprints to the VAC. The applicant may then schedule a time to meet with the VAC at the initial concept phase to receive initial feedback, comments, and suggestions to help the applicant understand how he/she can best comply with the required standards and ordinances. Any materials should be submitted at least eight days prior to the proposed meeting time. At the pre-review meeting, the applicant will be asked to utilize and incorporate any design elements set forth in the VAC Design Element Guidelines that are appropriate given the size and scope of the project.

A. Pre-Review. An applicant shall meet with the Town Architect and Planning Director or designee to obtain feedback before his/her formal plan submittal. Before the applicant meets with the Town Architect, a review fee must be paid at the amount established by the City Council in the City's fee schedule. To arrange for a preliminary feedback session, the applicant may submit initial concept drawings. The purpose of the meeting is to help the applicant understand how he/she can best comply with the required standards and ordinances. At the pre-review meeting, the applicant will be asked to utilize and incorporate any design elements set forth in the VAC Design Element Guidelines that are appropriate given the size and scope of the project.

B. The applicant will then meet again with the Town Architect and Planning Director or designee to review a complete set of plans. Any design materials planned for use should be reviewed in this meeting. The Town Architect and Planning Director or designee will determine if the application has complied with the requirements of the VAC Design Element Guidelines so that the applicant may schedule a meeting date with the VAC. If it is determined that the applicant has not complied with the required design elements, then a meeting date with the VAC will not be scheduled. The applicant has the right to appeal to the City Council if he/she feels that the decision of the Town Architecture and Planning Director or designee is not correct.

BC. Application. All applications shall be accompanied by a complete set of plans clearly defining the construction, changes, alterations, or remodeling, as applicable, and stating the proposed location, dimensions, and types of construction and design. The plans and blueprints shall be drawn to scale. If applicable, the plans shall clearly define the roofing and siding materials to be used and also the finish, paint color, or other materials to be used or applied on all exterior walls and trims. The plans shall also state a proposed date of commencement and completion of the project. The submitted plans shall become the property of Midway City upon submission. The Planning Department and/or the VAC may request that the applicant supply additional reference material to support and/or explain any submitted materials.

CD. Formal Review. The formal review meeting is scheduled by the Planning Department in consultation with the applicant. The application and all required materials must be submitted to the Planning Department at least 14 days prior to the formal review meeting. The applicant or a representative is required to attend the formal review meeting and any subsequent meeting of the VAC regarding the applicant's project.

DE. Criteria. The goal of the VAC is to gain the support of the local citizens, business owners, builders, and developers in achieving the City vision. Part of that vision is represented in the following statement: "...the intent of this ordinance is to paint a vision that will guide the growth and new development within the City...it is envisioned that Midway's Main Street, as well as her resort areas, will attain the look and feel of a Swiss village with a rustic charm, quaintness, and beauty that will be in harmony with the natural setting. It is vital that new

growth and development conform to this vision.” To foster this vision, the VAC will evaluate projects as follows:

1. After the application has been properly submitted to the Planning Department, the applicant will have the opportunity to present the project to the VAC at the formal review meeting.
2. The VAC will evaluate the project to ensure consistency with the City’s Vision Statement, utilizing the Design Element Guidelines as a reference. The VAC will then give a recommendation in the form of findings and a motion. The project will be given an overall rating and recommendation.
- ~~3. Each project will be evaluated based on the following criteria: one-third (1/3) of rating based on quantity of elements included; one-third (1/3) of rating based on quality of elements included; and one-third of rating based on consistency of the plan with the City’s Vision statement and compatibility with existing structures.~~
4. The formal review meeting may be continued by the VAC to a later date if necessary and reasonable under the circumstances.

~~EE~~. Notification. The applicant will be notified as soon as possible, but in any event no later than five business days after the formal review meeting (or continuance thereof), of the rating and recommendation of the VAC based on the formal review.

~~FG~~. Second Formal Review. If the applicant is not satisfied with the rating and recommendation given after the formal review, the applicant may request a second formal review. Before the second formal review, the applicants’ plans must be revised to respond to the rating and recommendation of the VAC at the first formal review. Revised materials must be submitted to the Planning Department at least 14 days before the second formal review meeting. The applicant will be notified as soon as possible, but in any event no later than five business days after the second formal review (or continuance thereof), of the rating and recommendation of the VAC based on the second formal review. No proceedings after the second formal review on an application before the VAC are allowed unless approved by the VAC in rare circumstances for good cause shown.

~~GH~~. Changes. Once a project that was reviewed or was required to be reviewed by the VAC has been granted approval by the appropriate land use authority, no material change shall be made to the project or its plans or design unless the applicant first presents the change to the VAC for review and recommendation.

~~HJ~~. Administrative Approval. Notwithstanding any other provisions contained herein and in Title 16, the Planning Director or designee may administratively approve the design of retaining walls, landscaping structures, landscaping planter sign bases, and similar structures as well as fences or fence-type walls to be located in the commercial or resort zones of the City, when such are not proposed in conjunction with a larger project that would require VAC review and recommendation. Such administrative approval shall be subject to the standards contained in this Title. At the discretion of the Planning Director, the applicant for such administrative approval may nevertheless be required to undergo review and recommendation by the VAC and approval by the applicable land use authority