

**MINUTES OF THE
MIDWAY CITY COUNCIL
(Work Meeting)**

**Tuesday, 6 November 2018, 9:00 a.m.
Midway City Office Building, Old City Council Chambers
75 North 100 West, Midway, Utah**

Note: Notices/agendas were posted at 7-Eleven, Ridley's Express, the United States Post Office, the Midway City Office Building, and the Midway Community Center. Notices/agendas were provided to the City Council, City Engineer, City Attorney, Planning Director, Public Works Assistant Crew Chief, and The Wasatch Wave. The public notice/agenda was published on the Utah State Public Notice Website and the City's website. A copy of the public notice/agenda is contained in the supplemental file.

1. Call to Order

Mayor Johnson called the meeting to order at 9:10 a.m. She excused Council Member Probst and Council Member Van Wagoner.

Members Present:

Celeste Johnson, Mayor
Lisa Christen, Council Member
Jeff Drury, Council Member
JC Simonsen, Council Member

Staff Present:

Corbin Gordon, Attorney
Michael Henke, Planning Director
Wes Johnson, Engineer
Brad Wilson, Recorder/Financial Officer

Members Excused:

Bob Probst, Council Member
Ken Van Wagoner, Council Member

Others Present:

None

2. Dutch Draw Subdivision / Culinary Water Will Serve Letter (Mike Johnston – Approximately 20 minutes) – Discuss providing a will serve letter, to provide culinary water service, to the Dutch Draw Subdivision located at the corner of River Road and Dutch Canyon Road.

Michael Henke gave a presentation regarding the request and reviewed the following items:

- Land use summary
- Location of the subdivision
- Current plat map
- Proposed plat map
- Items to consider
- History of Dutch Canyon Road

Mr. Henke also made the following comments:

- The City did not have to grant the request.
- The subdivision was contiguous to the City, in its annexation area and along one of its entry corridors.
- Previously the City had supplied culinary water to parcels of land, not formal subdivisions, outside of its boundaries.
- There was no reason not to annex the project.
- Annexation would allow the City to regulate the development and access. It would also increase the setbacks.
- A shared driveway from Dutch Canyon Road was proposed for lot three.
- The developer might be able to drill a well to avoid using the City's culinary water system.

Note: A copy of Mr. Henke's presentation is contained in the supplemental file.

The Council, staff and meeting attendees discussed the following items:

- Trees in the development were a traffic hazard and needed to be removed.
- There was access to the sewer system at Dutch Canyon Road.
- If the project was not annexed, then it would create an unincorporated island that would impede future annexations. It would also use Midway's services but not pay city taxes.
- Should the developer be required to install utilities in River Road? This could be a significant cost. At least the necessary rights-of-way should be dedicated to the City.
- Dutch Fields, which was next to the development, had a 200-foot setback along River Road. If Dutch Draw was done in the County, then it would have a 30-foot setback along the road.

3. Reed Bezzant Subdivision / Amendment (Steven and Kala Francis – Approximately 30 minutes) – Discuss a plat map amendment for the Reed Bezzant Subdivision located at 95 South 700 East (Zoning is R-1-11). Recommended for denial by the Midway City Planning Commission.

4. Reed Bezzant Subdivision / Lot Split (Steven and Kala Francis – Approximately 5 minutes) – Discuss preliminary and final approval for a lot split in the Reed Bezzant Subdivision located at 95 South 700 East (Zoning is R-1-11). Recommended for denial by the Midway City Planning Commission.

Michael Henke gave a presentation regarding the request and reviewed the following items:

- Previous lot splits
- Land use summary
- Location of the proposed lot split
- Current plat map for the subdivision
- Proposed plat map
- Possible recommendations
- Items to consider

- Possible findings
- Differences between the amendment and the lot split

Mr. Henke also made the following comments:

- The lot split was dependent upon the amendment being approved.
- The amendment was discretionary.
- There could be other lots in the City which could also be subdivided.
- There had been some time since a similar lot split.
- Lot 11 in the subdivision was planned for the continuation of 100 South.
- The request met the minimum requirements of the Municipal Code including the minimum size for a house.
- The cul-de-sac was longer than the 500 feet allowed in the Standard Specifications and Drawings. The continuation of 100 South would solve this problem. The Standards allowed the Council to grant exceptions.
- All property owners within 600 feet of the proposal had been notified of the request. Had not been contacted by any of the property owners.
- Doubted that the subdivision had CC&R's.
- The lot just to the south, in the same subdivision, had been split ten years earlier.
- What would the City look like if every development was at maximum density?
- Each home cost the City more money that it provided in property taxes.
- The Planning Commission recommended that the Municipal Code be amended to prohibit lot splits.

Note: A copy of Mr. Henke's presentation is contained in the supplemental file.

The Council, staff and meeting attendees discussed the following items:

- Did the City have any legal liability if it denied a request that met all the requirements of the Municipal Code?
- Other owners bought their lots in the subdivision based upon the current plat map and expected that the plat would not change.
- The request could be denied because the cul-de-sac exceeded 500 feet.
- Citizens wanted to maintain low density.
- The applicant was doing what the Code allowed.
- The length of cul-de-sacs was limited to avoid congestion and facilitate ingress/egress during emergencies.
- Should the length limit be applied to a cul-de-sac built before the limit was adopted?
- The City could not deny the rebuilding of a home on a cul-de-sac that was too long.
- Should the Council ask that the neighbors also approve the request? It would be good to get the neighbors input. The neighbors could not prohibit a request that met the requirements of the Code.
- The Council should not set precedence that could allow other lots to be split.
- New developments had CC&R's which usually prohibited lot splits.

5. Ordinance 2018-24 / Parking Requirements for Commercial and Mixed-Use Developments (City Planner – Approximately 15 minutes) – Discuss Ordinance 2018-24

amending Section 16.13.39 (Off-Street Parking and Loading) of the Midway City Municipal Code regarding parking requirements for commercial and mixed-use developments. Recommended for approval by the Midway City Planning Commission.

The Council, staff and meeting attendees discussed the following items:

- Had some parking regulations been correctly applied? The mortuary had 23 parking spaces instead of the required 40.
- There was available parking that was not being used.
- The current regulations did not require enough parking for restaurants.
- Parking requirements should not stifle business.
- Some undeveloped parcels should be turned into public parking lots. They could be built with an assessment on businesses.
- Businesses should share parking.
- The owner of the parking lot, for the post office, was willing to allow public parking in the lot if he was compensated.
- The City could collect and administer funds from businesses that would then be used for parking.
- The City needed to help businesses. If they failed, then Midway would have empty parking lots.
- There were things that could be done to improve parking before public parking lots were built.
- Signs were being installed that day that would increase awareness of existing parking.
- Parking was needed within walking distance of a business.

Note: Council Member Drury left at 10:29 a.m.

- The City would not get free parking.
- Access was important for parking.
- Already approved businesses could not be assessed for new parking. They might be assessed when their license changed, or they requested a liquor license.
- Tax data should be collected and analyzed to see if any new parking requirements helped or hurt businesses.
- Park impact fees could be used if lots were part of a pocket park.
- Parking lots could negatively impact walkability.
- Businesses needed to have their employees park further away.
- The location of parking was an issue because Midway did not have any public transit.
- Midway, especially its business areas, should not be covered with asphalt.
- Residential development should not push out businesses in the commercial areas. Mixed-use projects should be limited.
- Restaurants were strong in Midway, but retail was struggling.
- Parking would be prohibited within 35 feet of intersections. Some intersection corners already had bulb-outs.

Note: Council Member Drury returned at 10:48 a.m.

- The Utah Department of Transportation did a study of parking in front of Café Galleria. They recommended that parking be prohibited within the 1/3 of the block next to the intersection. This City needed to avoid this extreme restriction.
- There was not one solution to the parking problem. Five solutions had been recommended by the Planning Commission.

6. Closed Meeting to Discuss Pending or Reasonably Imminent Litigation

A closed meeting was not held.

7. Adjournment

Motion: Council Member Drury moved to adjourn the meeting. Council Member Christen seconded the motion. The motion passed unanimously.

The meeting was adjourned at 10:59 p.m.



Celeste Johnson, Mayor



Brad Wilson, Recorder