

Midway City Planning Commission Regular Meeting Minutes October 13, 2020

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., October 13, 2020, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Jeff Nicholas- Chairman
Rob Bouwhuis- V Chairman
Bill Ream
Rich Cliften
Andy Garland
Michelle Crawford (Zoom)
Heather Whitney
Jon McKeon
Craig Simons

Staff

Michael Henke – City Planner
Melannie Egan – Admin. Assistant
Wes Johnson – City Engineer

Excused

6:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
 - Invocation was given by Commissioner Ream,
 - Chairman Nicholas led the Pledge of Allegiance

Item 1:

Review and possibly approve the Planning Commission Meeting of September 8, 2020.

Motion: Commissioner Ream: I move that we approve the Planning Commission meeting minutes of September 8, 2020.

Seconded: Commissioner Whitney

Chairman Nicholas: Any discussion the motion?

There was none

Chairman Nicholas: All in favor.

Ayes: Commissioners: Bouwhuis, McKean, Whitney, Simons, Ream and Crawford

Nays: None

Motion: Passed

Item 2:

Chuck Heath, agent for Mountain Spa Investors LLC, is requesting a Zone Map Amendment of Midway's Land Use Map. The proposed amendment would rezone 14.48 acres from Recreational Resort Zone (RZ) to R-1-22. The property is located on the Mountain Spa property at 800 North and 200 East.

Planner Henke gave a presentation

Proposed Rezone

- Change zoning of 14.48 acres from Recreational Resort Zone (RZ) to R-1-22
- RZ allows for many uses and high density but requires commercial development
- R-1-22 requires ½ acre lots or may be developed as a Planned Unit Development
- Rural Preservation Subdivisions must be in a residential zone
- Open space bond funds
- General Plan support
 - Preserve a rural atmosphere
 - Preserve open space
 - Reduce density where appropriate
 - Entry corridor
 - View corridor
 - Adjacent to other open space

Possible Findings

- Density
- 200 South
 - Street master Plan
- Resolution 2009-2
- Plat amendment/partial vacation of the Kim Bezzant Subdivision
- Kim Bezzant concerns
 - Plat amendment signature block
 - Access during construction
 - Any damage to property (yard, fence, irrigation system, etc.) must be restored

Possible Findings

- The proposed amendment will reduce density on the property and reduce potential traffic that would be generated from a denser development.
- The property will remain in the Transient Rental Overlay District that allows short-term rentals unless the TROD is also amended with this application.
- The proposed zone map amendment will allow a rural preservation subdivision on the 14.48 acres that are currently zoned RZ.
- Some of the proposed area to be rezoned is sensitive lands that already limits development, therefore, the economic impact of reducing the amount of RZ will be minimal.

Proposed Conditions

The zone map amendment is conditioned that the map is not amended until the plat for the rural preservation subdivision is recorded. If a rural preservation plat is not recorded, then the property remains zoned RZ.

Commissioners and Staff Comment

There was a conversation regarding the buildable areas, the conservation easements, and the access for each of the lots.

There was a conversation regarding the having the small lots at all and not have it all open. Michael Henke stated that having the smaller lots would have been to help with financing the project.

The trail will not be affected with the zone change. There was a short conversation explaining how they want to work with Lacy Lane to open the trails in their community and have them all connect.

Michael Henke explained that Summit Conservancy has some control of this project and helps with their goal of keeping the space open. And reducing the density is one of their goals.

Motion: Commissioner Bouwhuis: I make a motion that we recommend approval of the request to approve the Zone Map Amendment of Midway's Land Use Map. The proposed amendment would rezone 14.48 acres from Recreational Resort Zone (RZ) to R-1-22. The property is located on the Mountain Spa property at 800 North and 200 East. We accept the findings in the staff report, we add to those findings that this proposal is a significant contribution to the open space and we accept the condition of if the map is not amended until the plat for the rural preservation subdivision is recorded. If a rural preservation plat is not recorded, then the property remains zoned RZ.

Seconded: Commissioner McKean

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Bouwhuis, McKean, Whitney, Simons, Ream and Crawford

Motion: Passed

Item 3:

Chuck Heath, agent for Mountain Spa Investors LLC, is requesting approval of the Mountain Spa Rural Preservation Subdivision. The proposal is to create five lots on 52.45 acres. The property is located on the Mountain Spa property at 800 North and 200 East.

Planner Henke gave a presentation

Land Use Summary

- 52.45 acres
- R-1-22 zone
- 5 lots
- Access from River Road, Burgi Lane, & 200 East
- Utilities
 - Connect to culinary water
 - Lots 1, 2, & 5 to connect to sewer
 - Lots 2 & 3 to install septic
 - Secondary – potential change application and agreement with Midway Irrigation Company

Possible Findings

- The proposed amendment will reduce density on the property and reduce potential traffic that would be generated from a denser development.
- The property will remain in the Transient Rental Overlay District that allows short-term rentals unless the TROD is also amended with this application.
- The proposed zone map amendment will allow a rural preservation subdivision on the 14.48 acres that are currently zoned RZ.
- Some of the proposed area to be rezoned is sensitive lands that already limits development, therefore, the economic impact of reducing the amount of RZ will be minimal.

Commissioners and Staff Comment

There was a question regarding the water for lots 4 and 5. 4 would only have water for the buildable area, but not in the open area as it has never had water, if they acquired water it could be possible that it could be irrigated, but historically, the area has only been used for grazing. Lot 5 has historically always had irrigation and will continue to be irrigated. This item has gone to the waterboard for recommendation.

Public Hearing Open (Items 2 and 3 were combined with the public hearing as they are intertwined)

Dr. Sam who lives on of 92 Swiss Oaks Drive. She states that the plan is missing water and sewer. She states that she was looking to purchase the area at one point but the area didn't have what they needed to do it. She believes that this plan is greedy and cannot be done. She believes that breaking up the land would ruin the beauty and the continuity of the land. She doesn't believe that this plan could be a world class resort.

Krista Clark at 210 E Main Street and she stated that supports this project. She feels that this is a perfect blend to have a small future spa resort with the thermal waters and combining the open space, rural preservation. She fully supports.

Paul Burg Showed the concept that was presented to City Council that shows more details regarding the open space, and the actual resort building area with the road. He explained the details of the accessibility, water, and sewer. He explained that the two items on the agenda tonight without the resort component at this time is that the two items are crucial to get in place so that the future resort can come in a few months.

Public Hearing Closed

Michael Henke made some clarifications regarding the trails, open space and the connectivity. There was a conversation that the trail can still happen, even if the resort does not come in.

Motion: Commissioner Whitney: I make a motion that we recommend approval of the Mountain Spa Rural Preservation Subdivision. The proposal is to create five lots on 52.45 acres. The property is located on the Mountain Spa property at 800 North and 200 East. And that we accept staff report findings and the water board recommendation. We also accept the conditions listed on the power point presentation which are, that deed restrictions that will be recorded towards all five lots must be submitted to the City for review. A note on the plat is included with language that eliminates the ability to subdivide any of the five lots. 70.3-acre feet of water is tendered to the City before the plat is recorded. And A 20' public trail easement is provided along River Road and the funds to build the trail are contributed to the City's general trail fund. The trail will be built by the City in the public trail easement at a future date.

Seconded: Commissioner Bouwhuis

Chairman Nicholas: Any discussion on the motion?

There were some clarifications added to the motion

Chairman Nicholas: All in favor.

Ayes: Commissioners: Bouwhuis, McKean, Whitney, Simons, Ream and Crawford

Nays: None

Motion: Passed

Item 4:

Howland Partners, agent for Pointe 11 LLC, is requesting preliminary/final approval a one lot subdivision on 2.49 acres to be known as Howland Subdivision. The property is located at 600 West and 200 North and is in the R-1-15 zone.

Planner Henke gave a presentation

Land Use Summary

- 2.31 acres
- R-1-15 zone
- 1 lot
- Sensitive lands
 - FEMA floodplain
 - 50' setback
 - Wetlands
 - 25' setback

- Public trail
- 50' setback from 200 North

Possible Findings

- 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 subdivision will contribute to the master trails plan by dedicating a public trail easement across the property and contributing funds towards the construction of the trail

Proposed Conditions

- The developer dedicates a public trail access from the southeast corner of the lot to the northwest corner of the lot.
- The developer also contributes \$10,000 towards the construction of the trail on the property.

Commissioners and Staff Comment

There was a conversation regarding the trail easement on the other piece that the same owner owns. Michael Henke stated that they did discuss that with the owner and was told that they were not interested in granting the easement all the way through both parcels at this time. They also discussed the placement of the trail on this property. Michael Henke stated that the motion could contain a blanket easement on the east side of the property now and the actual location of the trail could be decided later.

There was a question regarding a lot of record and a one lot subdivision. Paul Berg clarified that going through the one lot subdivision was basically the process to make the parcel a legal buildable lot.

Motion: Commissioner Whitney: I make a motion that we recommend to approval the preliminary/final approval a one lot subdivision on 2.49 acres to be known as Howland Subdivision. The property is located at 600 West and 200 North and is in the R-1-15 zone. We accept staff findings and water board recommendations and the conditions listed in the staff report. The first condition will be modified to state that the developer will dedicate a public trail access on the eastern side of the property and will run north and south as shown on slide 46 of the power point presentation and that staff and the Parks, Trails and Trees Committee will determine the best location of the trail. The other two conditions are that the developer also contributes \$10,000 towards the construction of the trail on the property. And provide Wetland delineation approved by the Army Corp. of Engineers before item is placed on a City Council agenda.

Seconded: Commissioner McKeon

Chairman Nicholas: Any discussion on the motion?

There were some clarifications added to the motion

Chairman Nicholas: All in favor.

Ayes: Commissioners: Bouwhuis, McKean, Whitney, Simons, Ream and Crawford

Nays: None

Motion: Passed

Item 5:

Berg Engineering, agent for Keith Finlayson, is requesting preliminary/final approval a one lot subdivision 0.33 acres to be known as Finlayson Subdivision. The property is located at 227 North River Road and is in the R-1-9 zone.

Planner Henke gave a presentation

Land Use Summary

- 0.33-acre parcel
- R-1-9 zoning
- Proposal contains one lot
- Frontage River Road
- The lot will connect to the Midway City's culinary water line, Midway Sanitation District's sewer line, and Midway Irrigation Company's secondary water line

Discussion Items

- River Road Trail
 - 10' public trail easement
 - Contribute funds for the River Road trail
- Duplex
 - If allowed by City Code at date of application
 - Water rights would need to be dedicated for second culinary connection
 - Impact fees paid
 - Driveway approval for second unit if proposed separate from driveway for the first unit

Possible Findings

- The proposed lot meets the minimum requirements for the R-1-9 zoning district
- The proposal does meet the intent of the General Plan for the R-1-9 zoning district
- The subdivision will contribute to the master trails plan by dedicating a 10' public trail easement and contributing funds the general trails fund that will be used to construct the trail

Proposed Conditions

- The proposed lot meets the minimum requirements for the R-1-9 zoning district
- The proposal does meet the intent of the General Plan for the R-1-9 zoning district
- The subdivision will contribute to the master trails plan by dedicating a 10' public trail easement and contributing funds the general trails fund that will be used to construct the trail

Commissioners and Staff Comment

There was a short conversation regarding the possibility of a duplex. The current zone does allow for a duplex, and if that were to happen in the future there are provisions and requirements if that ever happens in the future.

Motion: Commissioner Simons: I make a motion that we recommend approval preliminary/final approval a one lot subdivision 0.33 acres to be known as Finlayson Subdivision. The property is located at 227 North River Road and is in the R-1-9 zone. We accept the findings that are listed in staff report and the conditions also in the staff report which are A 10' public trail easement is shown on the plat along the front lot line. Funds to build the bike lane along River Road are added to the general trails fund. Those funds will be used as part of a larger improvement project that will complete the trail as shown on the City's master trail plan. And a 50' setback is shown on the plat parallel to River Road.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

There were some clarifications added to the motion

Chairman Nicholas: All in favor.

Ayes: Commissioners: Bouwhuis, McKean, Whitney, Simons, Ream and Crawford

Nays: None

Motion: Passed

Item 6:

Midway City is proposing to amend the Midway City Municipal Code of Section 16.13.35: Bed and Breakfast Establishments. The proposed code will amend the regulations for Bed and Breakfast establishments.

Planner Henke gave a presentation

Proposal Summary

- Concerns about commercial activities and large gatherings in residential zones and the impacts of those activities on the neighborhood
- Concerns about the size of B&Bs in residential zones

Proposal Summary

- Limit the size of B&Bs in residential zones to 4 rooms for short-term rent
- B&Bs in commercial zones or in RZ would not have a room limit
- Receptions, banquets, or catering would not be an option in residentially zoned areas
- B&Bs in commercial zones or in the RZ would have the ability to request approval for receptions, banquets, or catering

Proposal Text

- H. If located in the C-2, C-3 or RZ zones, receptions, banquets, or catering may be permitted as an additional use to an approved bed and breakfast conditional use when the applicant can show adequate facilities and parking exists on the lot or when arrangements are made with the permission of surrounding lot owners.
- R. If located in the R-1-7, R-1-9, R-1-11, R-1-15, R-1-22, RA-1-43 zones, a maximum of four (4) rooms may approved for short-term rent.

Possible Findings

- Bed and Breakfast establishments located in residential zones should be similar in size and impact as other dwellings in the same zones.
- Bed and Breakfasts will be limited to a maximum of four rentable rooms in the R zones
- Bed and Breakfasts will not be limited on the maximum number of rentable rooms in the commercial zones or the resort zone.
- Bed and Breakfasts in R zones will not have the ability to host receptions, banquets, or catering.
- Bed and Breakfasts in the commercial or resort zones will have the ability to petition the City to host receptions, banquets, and catering.

Commissioners and Staff Comment

Rob Bouwhuis stated that a 4 room Bed and Breakfast is too limiting. He feels that most B&B's are a bit bigger. There was a discussion about the size of the existing B&B's, and it was established that most are between 4 and 8. It was discussed that the parking could be a factor as well. Perhaps have the parking screened and not allowed in the front of the home. Michael Henke stated that the parking could be addressed in the CUP process of a new bed and breakfast.

There was a discussion about the possibility of changing the TROD. Michael Henke stated that it would be better to change the code and not the maps. And having open ended code gets very difficult to manage on a case by case basis.

Commissioner Craig Simons likes 6 rentals, Heather Whitney, John McKeon and Rob Bouwhuis like 8. Heather Whitney and Bill Ream also like a higher number in the TROD. Jeff Nicholas thinks that 8 seemed too high. It was also discussed that that having 6 rentable rooms and 1 room for the owners could be a good balance along with the fact that it would naturally match the 14-person limit that exists in the TROD already.

There was a discussion about the one criteria of the historical age of the home. The discussion continued about adding R-1-7 and R-1-9 Zone.

Public Hearing Open

None

Public Hearing Closed

Motion: Commissioner Ream: I make a motion that we recommend to approve to amend the Midway City Municipal Code of Section 16.13.35: Bed and Breakfast Establishments. The proposed code will amend the regulations for Bed and Breakfast establishments. We accept staff findings, and the amendment will be as written in the staff report except, that the amount of allowable rentable rooms are limited to 6 and not 4.

Seconded: Commissioner Simons

Chairman Nicholas: Any discussion on the motion?

There were some clarifications added to the motion

Chairman Nicholas: All in favor.

Ayes: Commissioners: Bouwhuis, McKean, Whitney, Simons, Ream and Crawford

Nays: None

Motion: Passed

Item 7:

Midway City is proposing to adopt new code text to the Midway City Municipal Code. Section 16.29: Density Reduction Subdivision. The intent of the Density Reduction Subdivision is designed to incentivize developers to voluntarily reduce the number of home sites per acre in exchange for simplified development infrastructure requirements. Reducing density will help preserve Midway's rural character by decreasing the number of structures, roads, and infrastructure in Midway. The initiative will reduce the maintenance burden for city taxpayers, preserve and enhance the value of current landowners' property, and preserve the rural quality of life in Midway.

Planner Henke gave a presentation

Purpose and Intent

The intent of the Density Reduction Subdivision is designed to incentivize developers to voluntarily reduce the number of home sites per acre in exchange for simplified development infrastructure requirements. Reducing density will help preserve Midway's rural character by decreasing the number of structures, roads, and infrastructure in Midway. The initiative will reduce the maintenance burden for city taxpayers, preserve and enhance the value of current landowners' property, and preserve the rural quality of life in Midway.

Proposed Code

- Density is reduced by 2/3
 - R-1-7 2.1 lots per acre
 - R-1-9 1.6 lots per acre
 - R-1-11 1.3 lots per acre
 - R-1-15 1 lot per acre
 - R-1-22 0.7 lots per acre
 - RA-1-43 0.3 lots per acre
- Deed restricted from further development
- Frontage is required for only one lot
- Maximum number of lots is 5
- Driveway length limit is 1,300'

- Hydrants must be located with the correct distance from each dwelling
- All lots must connect to sewer

Density Reduction Subdivision

Michael Henke gave examples of what a Density Reduction Subdivision would look like in Midway on 3 different parcels within Midway City.

Possible Findings

- The Density Reduction Subdivision will help Midway meet the General Plan goals of preserving open space and a rural atmosphere by reducing potential density.
- The proposed code is another option for development but does not affect the ability of a landowner to develop their property using other development options.
- The Density Reduction Subdivision will reduce the maintenance burden for city taxpayers by reducing the number of cul-de-sacs that the City would maintain.
- Deed restrictions are required to be recorded towards each lot in a Density Reduction Subdivision so lots cannot be further developed.

Commissioners and Staff Comment

Michael Henke stated that in the long term the density would go down, but the short term the density does go up.

Rob Bouwhuis stated that he didn't understand why the code would limit the homes to 5, Michael Henke stated that one of the reasons is because the road (driveway) would be most likely made of road base, which is one of the benefits of this new code. Potentially, the road could be paved, but not required.

There was a discussion about allowing 5 lots per driveway and requiring each driveway to have the correct frontage.

Public Hearing Open

Public Hearing Closed

Motion: Commissioner Bouwhuis: I make a motion that we recommend approval to adopt new code text to the Midway City Municipal Code Section 16.29: Density Reduction Subdivision. We accept the findings, approve it as presented with the revision of modifying section 16.29.6 to say that the maximum amount of lots in a Density Reduction Subdivision is 5 lots per driveway and that section 16.29.8 that the frontage requirement is met per driveway.

Seconded: Commissioner Whitney

Chairman Nicholas: Any discussion on the motion?

There were some clarifications added to the motion

Chairman Nicholas: All in favor.

Ayes: Commissioners: Bouwhuis, McKean, Whitney, Simons, Ream and Crawford

Nays: None

Motion: Passed

Adjournment

Motion: Commission Garland

Second: Commissioner Bouwhuis

10:30 pm


Chairman – Jeff Nicholas


Admin. Assistant – Melannie Egan

APPROVED