

Midway City Council
3 November 2020
Regular Meeting

Ordinance 2020-22 /
Zone Map Amendment



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: November 3, 2020
NAME OF APPLICANT: Chuck Heath
PROPERTY OWNER: Mountain Spa Investors LLC
ENGINEER: Berg Engineering
AGENDA ITEM: Zone Map Amendment
LOCATION OF ITEM: 600 North 200 East
ZONING DESIGNATION: RZ
PROPOSED ZONE: R-1-22

ITEM: 8

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.

BACKGROUND & ANALYSIS:

Chuck Heath, agent for Zermatt Village LTD, is proposing a zone map amendment for 14.48 acres of property that is currently zoned Recreational Resort Zone (RZ) to R-1-22. The R-1-22 zone allows for lots that are at least one-half acre and it allows for the ability to create a rural preservation subdivision on the property. The change from RZ to R-1-22

would greatly change the allowed uses on the property. The RZ requires commercial uses while also allowing for residential uses. The R-1-22 zone allows for residential with very limited commercial. The property is currently in the Transient Rental Overlay District (TROD), and unless the TROD line is amended as part of the rezone, the future dwellings in the overlay zone would have the option to be used as nightly rentals.

The reason the applicant is pursuing the zone map amendment is so the property can be developed as a rural preservation subdivision. This type of subdivision can only be created in residential zones. While about 34 acres of the 52-acre parcel is in the R-1-22 zone, 14.48 acres are in the RZ. For the 14.48 acres to be included in the proposed subdivision, the zoning will need to be changed.

The applicant offered to create a rural preservation subdivision, which will greatly reduce density on the site, in return for receiving contributions from Midway and Wasatch County for open space bond money. The property will be limited to five lots with a dwelling on each lot and 34.6 acres will be restricted with a conservation easement that will be held by Summit Land Conservancy. The potential area in the R-1-22 zone reduced from 63 to two dwellings. The area of the proposed zone change will also reduce density even further on the property.

The Mountain Spa property has been zoned RZ for decades because the historic use of the property has been resort. The Mountain Spa was established in the 1880s and operated as a resort focused on pools, using the geothermal water found on site, and as a gathering area for the community. The resort was active until the 1980s and then shut down. The site has gone into disrepair and the recreational facilities and buildings are now dilapidated.

Since this is a legislative matter, the City is under no obligation to amend the zoning map. If the City finds there are positive impacts for the amendment, then the City should allow the zone map amendment.

Whenever the City considers a legislative action, such as a rezone, the City should consider the General Plan. The General Plan supports conserving open space, preserving a rural atmosphere, and reducing density. This proposal meets all three of these goals. The following are citations from that document that should be considered with this proposal (italicized text is staff's comments):

Vision

"The Community Vision Statement sets a goal for Midway "to be a beautiful, organized small town community based on its distinct history of agriculture, open space and recreation". (Goal 1, Community vision Goals and Guidelines). Guideline 5 seeks to implement this goal by "Encouraging the preservation of prime agricultural land and open space within Midway and the surrounding valley".

The Mountain Spa meets these goals in the following ways:

- *Preservation of 34.6 acres of the Mountain Spa property preserves scenic view sheds of the Wasatch mountains.*
- *The property will continue usage as agricultural property, with pastureland grazing, haying, and related uses.*

Effective Open Space Use

The Open Space Element cites four design objectives requiring use of open space tools. They are; preserving Inter-City Space, Preserve Midway’s Unique Character, Create Local Neighborhood “Openness”, and Providing Public Recreation Venues.

In addition to the citations mentioned above, the Mountain Spa meets these objectives by:

- *The agricultural land is under greenbelt protection.*
- *The Mountain Spa abuts the Albert Kohler Legacy Dairy as shown on the attached maps.*
- *Adjacent land is developable other parcels are being subdivided for residential uses. Preserving these 34.6 acres will mitigate the density created by these developments.*
- *Should this land be developed for residential purposes we estimate that approximately 63 single family homes as a Planned Unit Development) could be constructed on the 34.6 acres located in the R-1-22 area of the property which would add significantly to the density, infrastructure requirements, and demand for City/County services.*
- *In addition to the use of the land for agriculture, this property serves as a significant wildlife habitat, providing nesting locations for various birds, safe locations for deer and elk to graze, and passage for many other species of wildlife to access the Provo River and other surrounding lands.*

Identifying and Acquiring Open Space

“Open space acquisition or preservation proposals must be evaluated with the benefit of the citizens of Midway in mind.”

- *The Mountain Spa property could be developed to allow the public with access to geothermal springs and pools in a manner that would not impact the natural environment.*
- *The preservation of the entry corridor on River Road and Burgi Lane will benefit the residents by preserving an area that will keep Midway beautiful and unique. Tourists will also benefit from the preservation of the property by creating an environment that they will want to continue to visit over the years.*
- *This property is a prime view corridor for residents and visitors, many of whom traverse this road daily.*
- *The views along the River Road entry corridor and Burgi Lane entry corridor over the Mountain Spa property contribute materially to Midway’s reputation as an attractive tourist destination, an important part of our local economy.*

Identifying and Acquiring Open Space

“Where possible and practical, the City will work with other organizations, agencies, groups, and individuals who will share the costs of open space preservation projects.”

The Mountain Spa meets these objectives by:

- *Heath and Summit Land Conservancy have signed a memorandum of understanding that will limit development on the property that will later be memorialized with a conservation easement that will be help by Summit Land Conservancy.*

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Bowhuis: 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, if the map is not amended until the plat for the rural preservation subdivision is recorded and 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

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.

ALTERNATIVE ACTIONS:

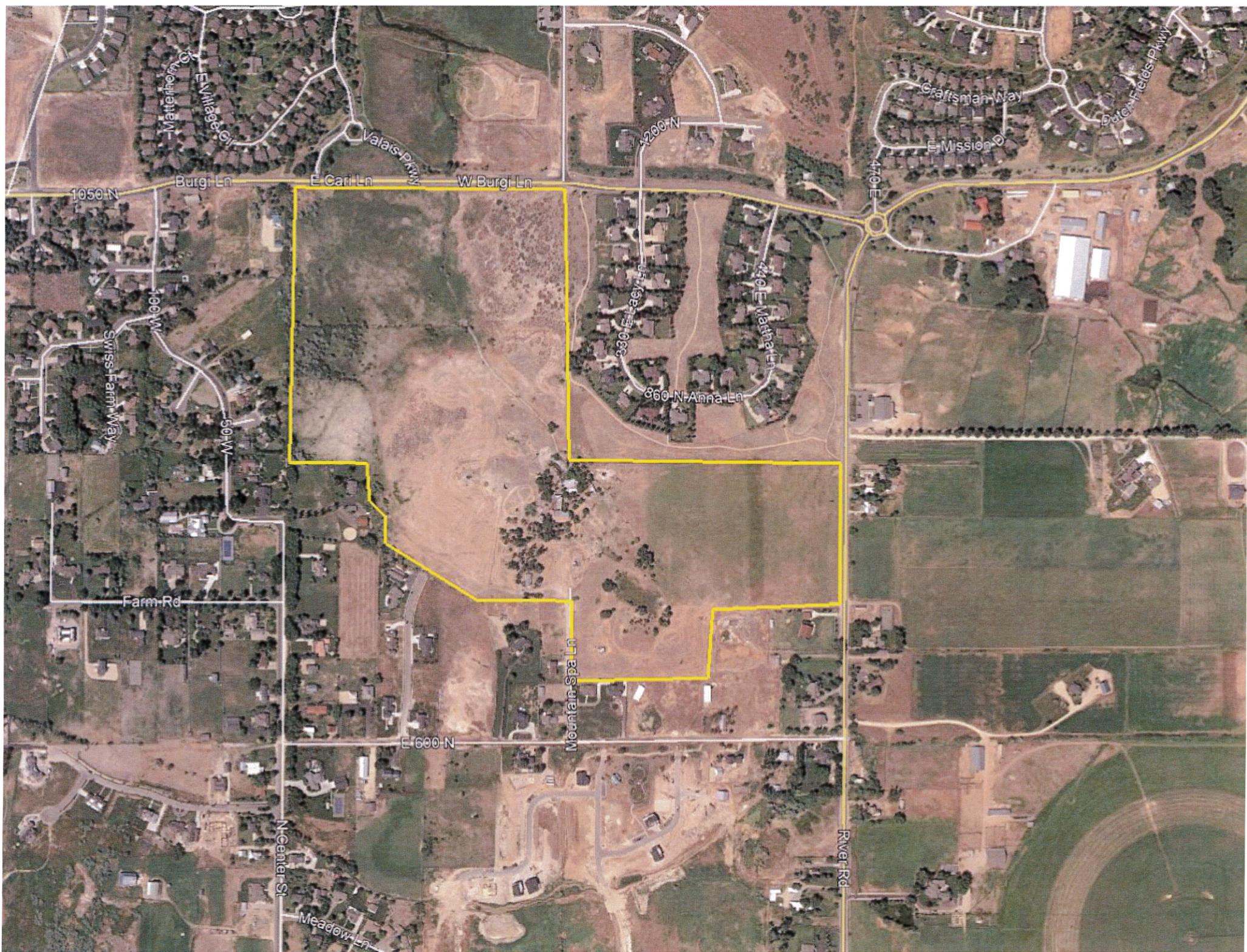
1. Approval. This action can be taken if the City Council finds the proposal is in the community's best interest.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

2. Continuance. This action can be taken if the City Council finds 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. Denial. This action can be taken if the City Council finds that the request is not in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITION:

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.



Matterson

Emkasee Cir

Valais Pkwy

Burgi Ln

E Cari Ln

W Burgi Ln

1050 N

Swiss Farm Way

50 W

Farm Rd

E 600 N

N Center St

Meadow Ln

Mountain Spa Ln

860 N Anna Ln

470 E

River Rd

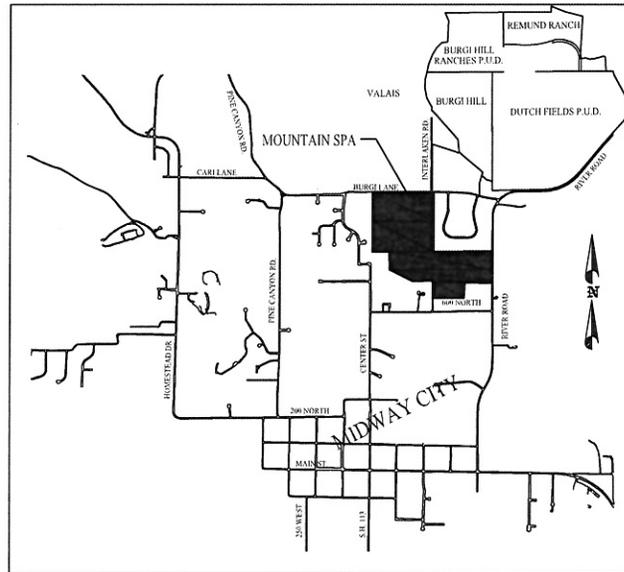
Craftsman Way

E Mission

Butterfields Pkwy

MOUNTAIN SPA

AMENDMENT TO THE ZONING MAP



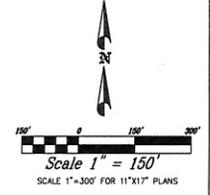
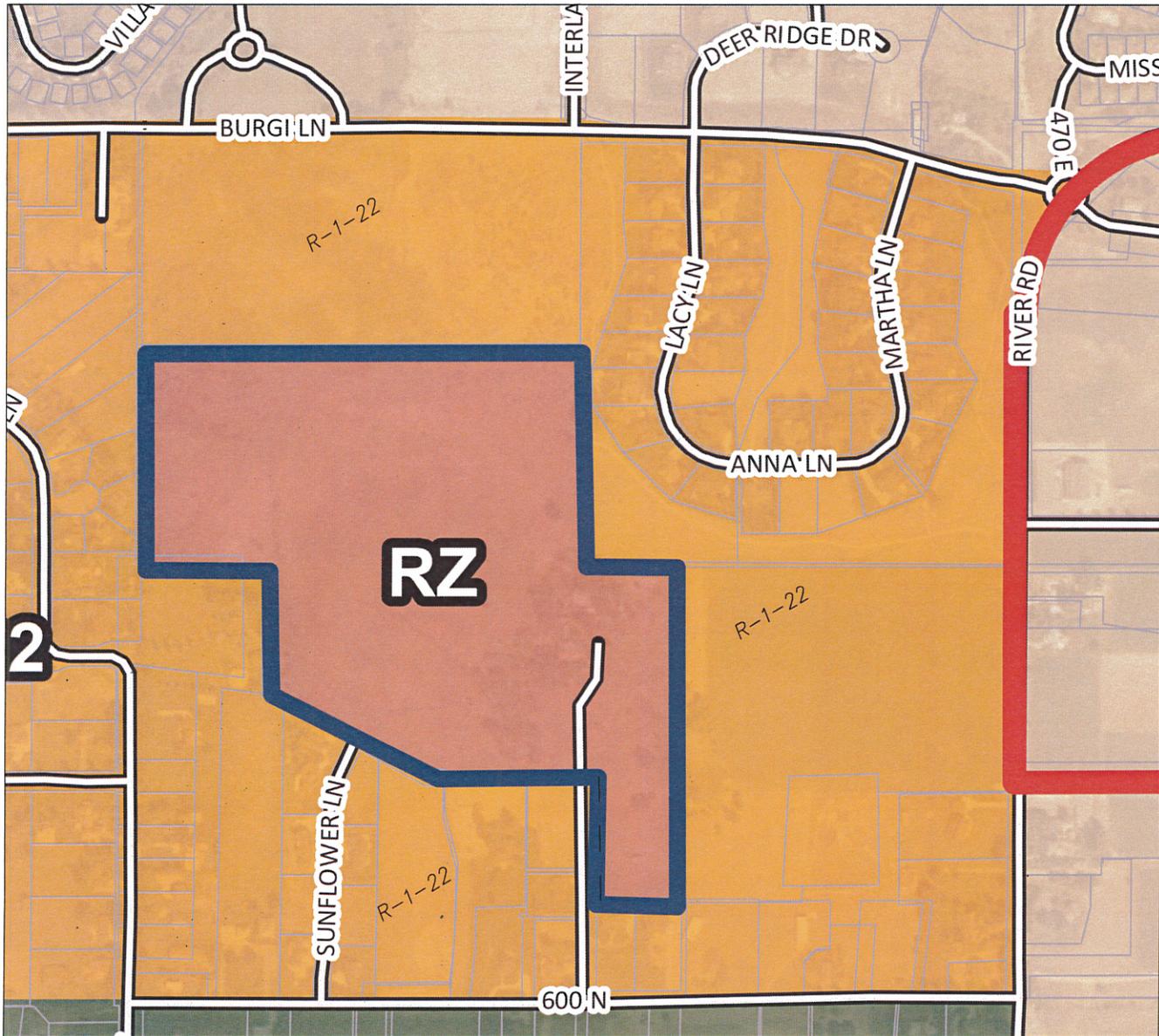
VICINITY MAP

SHEET INDEX

1. CURRENT ZONING MAP
2. PROPOSED ZONE CHANGE
3. COUNTY PARCEL MAP

THIS DOCUMENT IS INCOMPLETE
AND IS RELEASED TEMPORARILY
FOR REVIEW ONLY. IT IS
NOT INTENDED FOR CONSTRUCTION,
BIDDING, OR PERMIT PURPOSES.
DRAWN BY: _____ P.C.
SERIAL NO. 200805
DATE: 9 SEP 2008

CHUCK HEATH	
MOUNTAIN SPA	
COVER SHEET	
	
<small>BERG ENGINEERING 380 E. Main St. Suite 704 Midway, UT 84049 ph 435.657.9749</small>	
DESIGN BY: PDB	DATE: 9 SEP 2008
DRAWN BY: CNB	REV: 1



Legend

Midway Growth Boundary	Zoning	R-1-22
TROD	B & MP	R-1-7
Midway City Boundary	C-2	R-1-9
Rivers	C-3	RA-1-43
Roads	R-1-11	RZ
Water Body	R-1-15	RA-1-43 / RZ

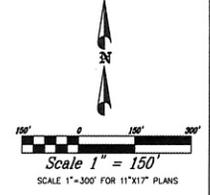
NOTE:
THIS EXHIBIT SHOWS THE MIDWAY CITY ZONING
MAP AROUND THE MOUNTAIN SPA PROPERTY.

THIS DOCUMENT IS RELEASED
FOR REVIEW ONLY. IT IS NOT
ATTACHED FOR CONSTRUCTION
UNLESS SIGNED AND SEALED.
PAUL D. BERG, P.E.
SERIAL NO. 220595
DATE: 9 SEP 2020

CHUCK HEATH
MOUNTAIN SPA
MOUNTAIN SPA
CURRENT ZONING MAP

BERG ENGINEERING
380 E Main St, Suite 204
Midway, UT 84059
ph 435.657.9749

DESIGN BY: PFB	DATE: 9 SEP 2020	SHEET
DRAWN BY: PFB	REV:	1

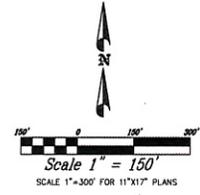
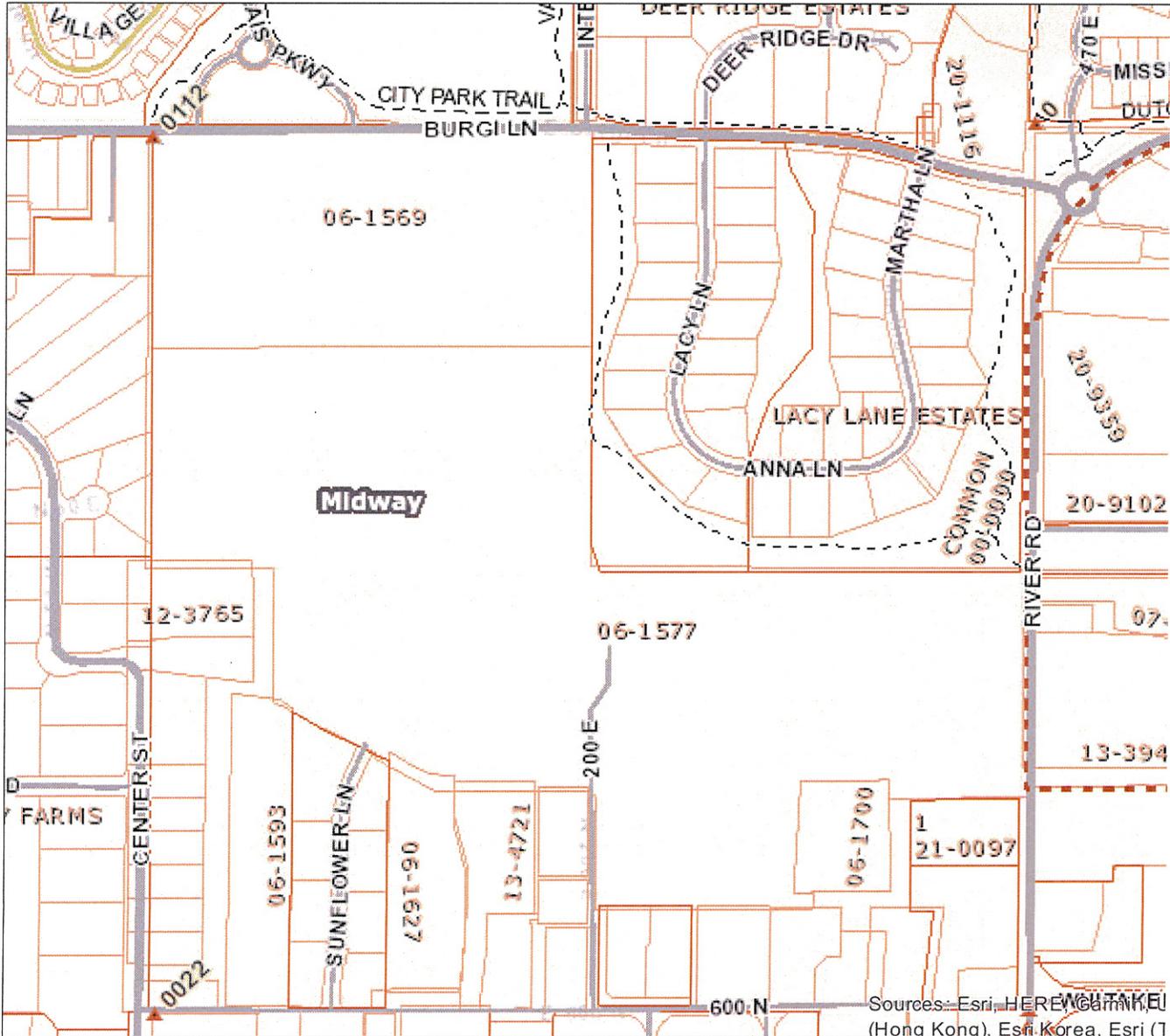


BOUNDARY DESCRIPTION OF ZONE CHANGE

- LEGEND**
- WETLANDS (3.75 ACRES)
 - SLOPES > 25% (0.33 ACRES OUTSIDE OF HOT POT/CRATER)
 - HOT POT/CRATER SENSITIVE LANDS (3.52 ACRES)
 - PROPOSED ZONE CHANGE FROM RZ TO R-1-22 (14.48 ACRES)
 - EXISTING R-1-22 ZONE (36.45 ACRES)
 - REMAINING RZ ZONE (27.06 ACRES)

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.
 PAUL D. BERG, P.E.
 SERIAL NO. 200588
 DATE: 9 SEP 2020

CHUCK HEATH MOUNTAIN SPA	
MOUNTAIN SPA PROPOSED ZONE CHANGE	
380 E Main St. Suite 204 Midway, UT 84059 ph 435-657-9749	
DESIGN BY: PDB	DATE: 9 SEP 2020
DRAWN BY: PDB	REV.
	SHEET 2



NOTE:
THIS PARCEL MAP IS FROM THE COUNTY GIS MAP.

THIS DOCUMENT IS RELEASED FOR REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION UNLESS SIGNED AND SEALED.
PAUL L. BERG, P.E.
SERIAL NO. 250085
DATE: 9 SEP 2020

CHUCK HEATH
MOUNTAIN SPA
MOUNTAIN SPA
COUNTY PARCEL MAP

BERG ENGINEERING
380 E Main St, Suite 204
Midway, UT 84049
PH 435-657-9749

DESIGN BY: PFB	DATE: 9 SEP 2020	SHEET
DRAWN BY: PFB	REV:	3

Sources: Esri, HERE, Garmin, (Hong Kong), Esri Korea, Esri (T

Michael Henke

From: Nathan Andersen <nathan@lesueurinvestments.com>
Sent: Monday, October 5, 2020 1:24 PM
To: Michael Henke
Cc: Ty LeSueur; Chuck Heath; Brynn Hill; Paul Berg
Subject: Owner Consent to Rezoning - Mountain Spa Property
Attachments: Mountain Spa Zoning Map Amendment_9-9-2020.pdf

Michael,

We were recently informed that the City of Midway ("City") has requested consent from the owners of the Mountain Spa property ("Property") for Chuck Heath to file for a zoning change on a portion of the Property – rezoning approximately 14.48 acres from RZ to R-1-22 (as shown on the attached proposed rezoning map). As you know, Chuck Heath is under contract to purchase the Property, and we understand that this proposed zoning change is needed for Chuck to move forward with his proposed development and use of the Property. This email constitutes consent from the owners of the Property for Chuck Heath to process this application with the City in conformance with the attached proposed rezoning map. Please let me or Ty LeSueur know if you have any questions regarding this email or if you need any additional information from us.

Best Regards,
Nathan Andersen