

Midway City Planning Commission Regular Meeting Minutes September 13, 2022

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., September 13, 2022, at the Midway City Community Center 160 West Main Street, Midway, Utah

Attendance

Jeff Nicholas- Chairman
Andy Garland
Laura Wardle
Kelly Lineback (Alt)
Craig Simons
Bill Ream
Andrew Osborne (Alt)

Staff

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

Excused

Rob Bouwhuis- Vice Chair
Rich Cliften

Liaison Report

6:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
 - Invocation was given by Andrew Simons
 - Chairman Nicholas led the Pledge of Allegiance

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of August 9, 2022, with corrections.

Motion: Commissioner Garland: I make a motion that we recommend approval for a

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Wardle, Lineback, Garland and Simons

Nays:

Recused:

Motion: Passed

Item 2:

Chuck Heath, representative for Midway Mtn Spa LLC, has submitted a preliminary application for Phase 1 of Ameyalli Resort on 28.87-acres. The preliminary plan 24 duplex units and 2 family lodges, private road, public and private trails, and other resort related amenity improvements. The property is located at approximately 800 North 200 East in the Resort Zone.

Michael Henke gave a presentation

Land Use Summery

- Resort Zone (RZ)
- Phase 1 approximately 16 acres (28.87 acres total)
- 11.87 acres of open space (15.95 acres of open space in entire master plan)
 - 8.81 acres are preserved in a conservation easement
- 12 duplexes (24 units), two family lodges, and amenities
- Public trails from 600 North to Burgi Lane, River Road to resort core, and crater loop trail. Trails will be 8' with a paved surface.
- Private roads and storm drain system will be maintained by the property owner
- New improvements will connect to the Midway Sanitation District sewer and to the City's culinary water line.
- Sensitive lands on the property include hot pots, rock outcroppings and 25% and greater slopes.

Project Overview

- Open space
 - 16.06 acres total
 - 11.87 acres in phase 1
 - Phase1 construction
 - 24 duplex units
 - 2 family lodges
 - Access
 - Road from 600 North to Burgi Lane will be built in its entirety with phase 1 to meet access requirements
 - Public trails
 - Trail from 600 North to Burgi Lane will be built in its entirety with phase 1
 - Paved 8' trail
 - Crater loop trail will be built in phase 1
 - Paved 8' trail
 - Trail from River Road to resort core public trail
 - Soft surface trail 6-8'
 - Private trails
- Hard surface 6' trails and sidewalks
- Architectural approval

- The general architectural theme has been approved but individual buildings will need VAC review before buildings permits may be submitted
- Setbacks
 - 100' setbacks from boundaries of Mtn Spa property
 - 30' setbacks from private roads unless approved by City Council
 - Developer is proposing 15-20' setbacks for most buildings in Phase 1 but some are as minimal as 5' from the private roads
 - Memorandum of Understanding
 - Restore and maintain the historic "Mountain Spa" pole sign.
 - **Construct the previously mentioned trails.**
 - **Restore natural hot spring water to at least one of the craters in the protected pot rock area.**
 - **Demolish and clean up the old buildings and derelict swimming pools in and around the protected pot rock area, leaving the two-story historic stone building intact.**
 - Provide for the preservation of wildlife habitat, particularly the wetland areas on the northwest of the property.
 -

Water Board Recommendation

The Water Advisory Board reviewed the project on May 2, 2022, to preliminarily determine the water required for the proposal. They recommended that 119.62 acre feet (106.72 culinary and 12.97 outside irrigation) will be required for the entire project which includes culinary connections and outside irrigation.

Possible Findings

- The proposal will benefit the City financially by creating a greater tax base.
- The proposal will help the City better comply with State requirements regarding the ability to collect resort tax.
- The public trail system in the development will benefit the entire community by creating public trails across the property.
- Amenities will be created that will be accessible year-round which will invite more tourists to visit the resort in all seasons.
- The exact amount of required water rights required per phase has yet to be determined.

Proposed Conditions

1. A light plan must be submitted to the City, and agreeable to the City, that will mitigate the potential impact to the surrounding residents before the item is scheduled for City Council review.
2. More detail must be submitted to determine that the light nuisance from cars leaving the resort and shining on homes on Lacy Lane Estates has been properly mitigated before the item is scheduled for City Council review.
3. An updated water rights recommendation from the Water Board must be made before the item is reviewed by the City Council.

Applicant and Commissioner Comments

Chuck Heath clarified that the water park area will be a pool with a few water features and putting green. Just an area for families and will not be a giant water park as rumored.

There was a discussion as to what the definition of a Family Unit.

There was a discussion regarding the driveway going north and the mitigating the lights from cars by using landscape and stone wall. Lacy Lane Subdivision has stated that they are willing to move some of the landscaping onto their property to help make more room for the trail and it may help by not having the trail cross the road. This would be very beneficial for safety.

There was a discussion of the short driveways. Chuck stated that the short driveways will not have cars in them as the cars could possibly be parked partially into the road. The HOA as resort will make these driveways to only park in the garages and these will be noticed as well. They also have extra parking in area to also help accommodate.

Motion: Commissioner Wardle: I make a motion that we recommend approve the preliminary application for Phase 1 of Ameyalli Resort on 28.87-acres. The preliminary plan 24 duplex units and 2 family lodges, private road, public and private trails, and other resort related amenity improvements. The property is located at approximately 800 North 200 East in the Resort Zone. We accept staff findings and the three conditions listed in the staff report. And adding a fourth condition that the hot pot loop trail no to be constructed with hard surface materials such as concrete or asphalt, but a material that will integrate into the natural surroundings. And add items 2, 3 and 4 that are mentioned in the memorandum of understanding to be added into Phase 1.

Seconded: Commissioner Ream

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Wardle, Lineback, Osborne, Garland and Simons

Nays:

Recused:

Motion: Passed

Item 3:

Midway City is proposing a code text amendment of Section 16.13.7: Kitchen Units in Motels and Hotels. The proposed code will clarify if, and under what requirements, kitchens are allowed in rental units, motels, and hotels.

Michael Henke gave a presentation

Proposal

1. A light plan must be submitted to the City, and agreeable to the City, that will mitigate the potential impact to the surrounding residents before the item is scheduled for City Council review.
2. More detail must be submitted to determine that the light nuisance from cars leaving the resort and shining on homes on Lacy Lane Estates has been properly mitigated before the item is scheduled for City Council review.
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Current Code

- Section.13.7 - Kitchen Units in Motels and Hotels
 - Lot area per dwelling unit shall apply to motels and hotels for those that include kitchen facilities.

Proposed Code

- Section 16.13.7 - Transient Rental Units in Commercial Zones
 - Kitchen and laundry facilities for individual short-term rental units (hotels, motels, Airbnb, VRBO, etc.) are not allowed in the C-2 and C-3 zones except for a residence that has been approved by the Land Use Authority as part of a mixed-use development.

Possible Findings

The current code is dated and is difficult to interpret for staff and the public.

- The proposed language is clearer than the current language and accomplishes the same goal, but it also helps make administration of the code much easier for staff and it is also easier for the public to understand.
- The proposed language will require the creation of traditional short-term lodging rooms that will in turn help the local economy by generating more taxes and may stimulate more economic activity.

Applicant and Commissioner Comments

There was discussion regarding the difficulties in regulating short-term rentals with kitchens.

Motion: Commissioner Simons: I make a motion that we recommend approval for the code text amendment of Section 16.13.7: Kitchen Units in Motels and Hotels. The proposed code will clarify if, and under what requirements, kitchens are allowed in rental units, motels, and hotels. Accept staff findings and add a condition that defines a wet bar.

Seconded: Commissioner Garland
Chairman Nicholas: Any discussion on the motion?
Chairman Nicholas: All in favor.
Ayes: Commissioners: Ream, Wardle, Osborne, Lineback, Garland and Simons
Nays: None
Motion: Passed

Adjournment

Motion: Commissioner Garland
Second: Commissioner Simons

7:20 pm

Chairman – Jeff Nicholas

Admin. Assistant – Melannie Egan