



Midway

PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: August 9, 2022
NAME OF PROJECT: Rising Heights Academy
NAME OF APPLICANT: InForm Architecture
OWNER: Rising Heights LLC
AGENDA ITEM: Conditional Use Permit
LOCATION OF ITEM: 950 East Michie Lane
ZONING DESIGNATION: R-1-11

ITEM: 8

Berg Engineering, agent for Rising Heights LLC, is applying for a Conditional Use Permit for the proposed use (primary school) within the R-1-11 zone. The school would be located approximately at 950 E Michie Lane.

BACKGROUND:

Berg Engineering, agent for Rising Heights LLC, is requesting a Conditional Use Permit (CUP) to construct a schoolhouse for the Growing Rising Heights Academy. The property where they would like to construct is located at approximately 950 East Michie Lane which is in the R-1-11 zone and is 4.78 acres. In the R-1-11 zone, primary and secondary schools are allowed as a conditional use. The application states that projected enrollment will be less than 100 students.

The proposed plan is to situate the school in the center of the property and set the school back approximately 400' from Michie Lane. This will allow an area for landscaping, parking, and driveway which will be used for drop-off, pick-up, and for parking for school events. On the west side of the school there will be patios, playground, grass area, native landscaping area and outdoor classroom. Southeast of the school will be a storage building.

The City Council, in their August 9, 2022, meeting approved the removal of a future public road that would have crossed the property. This decision was based on the proposal to build a school on the property and the safety concerns of a through-road so close to the school and playground area.

The applicant has not identified any sensitive lands that are in the subdivision area except for some minor, localized areas above 25% slope. No buildings will be allowed in areas with slopes greater than 25%.

The applicant has provided the following information regarding the request:

Rising Heights Academy is a small private school for grades 1-6 with a total projected enrollment of less than 100 students. Small schools such as this will promote a stronger community while maintaining Midway's small-town character. With the owners selecting to only build a school on the 4.73-acre property and not subdividing it for other uses, the low-density rural feel will be maintained. The conceptual design of the site will feature a small school setback significantly from the roadway, allowing for the open space to be seen from Michie Lane. The small scale of the buildings will also be designed to relate in scale to the residential buildings on the adjacent properties. One of the features of the school's design will be its connection to nature both on the site and to the views of the beautiful mountains, thus enhancing the natural environment. The possible negative impacts of the traffic along Michie Lane during drop off and pick up times will be mitigated through the site design by allowing for drop off and pick up traffic to queue up within the site and not on the roadway. Off street parking stalls will be provided for typical days. Parking will be allowed along the access lane on site to provide parking for the families of each student of a grade level. Larger setbacks and landscaping along the perimeter property lines adjacent to neighbors will be provided to minimize and soften impacts to the adjacent residential uses.

LAND USE SUMMARY:

- 4.78-acre parcel
- RA-1-11 zoning

- Frontage on Michie Lane
- Sensitive lands – minor localized areas of greater than 25% slope
- The school will connect to the Midway Sanitation District’s sewer line, Midway City’s culinary water line, and Midway Irrigation Company’s secondary water line

ANALYSIS:

The comments in italicized represent Planning Staff’s comments pertaining to compliance or lack of compliance with the findings. The Planning Commission must make in considering this request. Section 16.26.120 requires specifically the Planning Commission to find that:

1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code; *planning staff believes that the proposal will not have a significant impact on the neighborhood. Landscaping will help buffer the school and school yard from surrounding uses. Also, as staff has analyzed the proposal it appears that it will comply with the provisions of the Code.*
2. The proposed use is consistent with the General Plan; *no issues have been identified.*
3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *the proposal is required to have an approved business license with the City. The applicant has current license and has applied for the license for the new location. The new license will be issued once all the requirements are met such as the issuance of the Conditional Use Permit among other requirements.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *The applicant will have the right to water all the vegetated areas of the property except for 0.33 acres which will be left natural landscaping. No significant impacts to the natural environment have been identified.*
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *the proposed use will create more traffic*

for the area but the increased traffic will not be above what the local street was designed to accommodate. Michie Lane is a collector road with a 76' foot right-of-way width. The design capacity for the road will accommodate existing traffic and the increased traffic generated from the school.

6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the location is suitable for a school.*
7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to ensure that the proposed use would not be detrimental to public health and safety; *no issues have been identified.*

Culinary Water Connection – The school will connect to the City's water line located in Michie Lane.

Sewer Connections – The school will connect to Midway Sanitation District's sewer line located in Michie Lane. The current dwellings are already connected to Midway Sanitation District's system.

Secondary Water Connection – The property will connect to Midway Irrigation Company's water system. The applicant will need to provide a will serve letter from Midway Irrigation Company before the City Councils reviews the proposal.

Sensitive Lands – The applicant has not identified any sensitive lands that are in the subdivision area except for some minor, localized areas above 25% slope. No buildings will be allowed in areas with slopes greater than 25%.

Setbacks – The small-scale subdivision code requires a 50' front setback for any proposed structures fronting Michie Lane. The required setback will be noted on the plat. The school is proposing a setback of approximately 400'.

Michie Lane – A previous property owner dedicated the right-of-way to Midway for Michie Lane. If the previous dedication has not deeded all the property required based on the current master street plan, then the property required property will be dedicated with the recording of the plat. Michie Lane is categorized as a collector street with a 76' right-of-way width.

Driveway easement – There is a recorded driveway easement that runs along most of the southern boundary of the school property. The easement accesses the three lots in Michie Lane small scale subdivision. The driveway is rarely used because the three lots in the Michie Lane subdivision all have direct access to Michie Lane from their frontage. The lane will need to remain open unless an agreement is made between the school and all that have rights to the easement.

Fire Flow - A fire hydrant will need to be located within 500' of the structures, measured by the route of a fire hose from the fire hydrant to the future building sites.

Access – The proposed lot has frontage and direct access from Michie Lane.

Parking - The school is providing 17 parking stalls, including two ADA stalls, in a specified parking lot along with approximately 23 other perpendicular parking areas lined along the driveway that will be used for events but not during pick-up or drop-off times.

WATER BOARD RECOMMENDATION:

The Water Board recommended approval during their 8-1-2022 meeting with the following water dedication requirement:

- 4.79-acre parcel (208,652 sq. ft.)
 - Impervious area for school, roads, parking, & hardscape
 - 1.55 acres (67,518 sq. ft.)
 - Building 0.34 acres
 - Roads & Parking 0.7 acres
 - Hardscape 0.51 acres
 - Irrigated acreage
 - 2.65 acres x 3 = 7.95 acre feet
 - Grass 0.75 acres
 - Native/Wild Flower Mix 1.25 acres
 - Planter Beds 0.66 acres
 - Non-irrigated area
 - 1 culinary connection (250 day x 15 GPD x 85 people)
 - 0.98 acre feet
- 8.98 acre feet requirement

POSSIBLE FINDINGS:

- The proposed use is a conditional use in the R-1-11 zoning district.
- The applicant has not provided engineered drawings for utilities or storm water facilities.
- The project will increase traffic to the area but traffic counts will be within standards for the classification of the roads in the area.
- The duration of Approval shall be for one year from the date of approval of the development by the City Council. If the use is not acted on within a year of

approval, the development's approval shall be voided, and a conditional use approval must be re-obtained to reinstate the project.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission finds the proposal complies with the requirements of the Land Use Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s) if needed

2. Continuance. This action can be taken if the Planning Commission 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. Recommendation of Denial. This action can be taken if the Planning Commission finds that the request does not comply with the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITIONS:

1. The applicant will need to provide a will serve letter from Midway Irrigation Company before the City Councils reviews the proposal.

2. Engineered plans must be submitted before the City Council reviews the proposal.

Midway City Corporation

Mayor: Celeste T. Johnson
City Council Members
Lisa Christen • Jeffery Drury
J.C. Simonsen • Steve Dougherty
Kevin Payne



75 North 100 West
P.O. Box 277
Midway, Utah 84049
Phone: 435-654-3223
Fax: 435-654-4120
midwaycityut.org

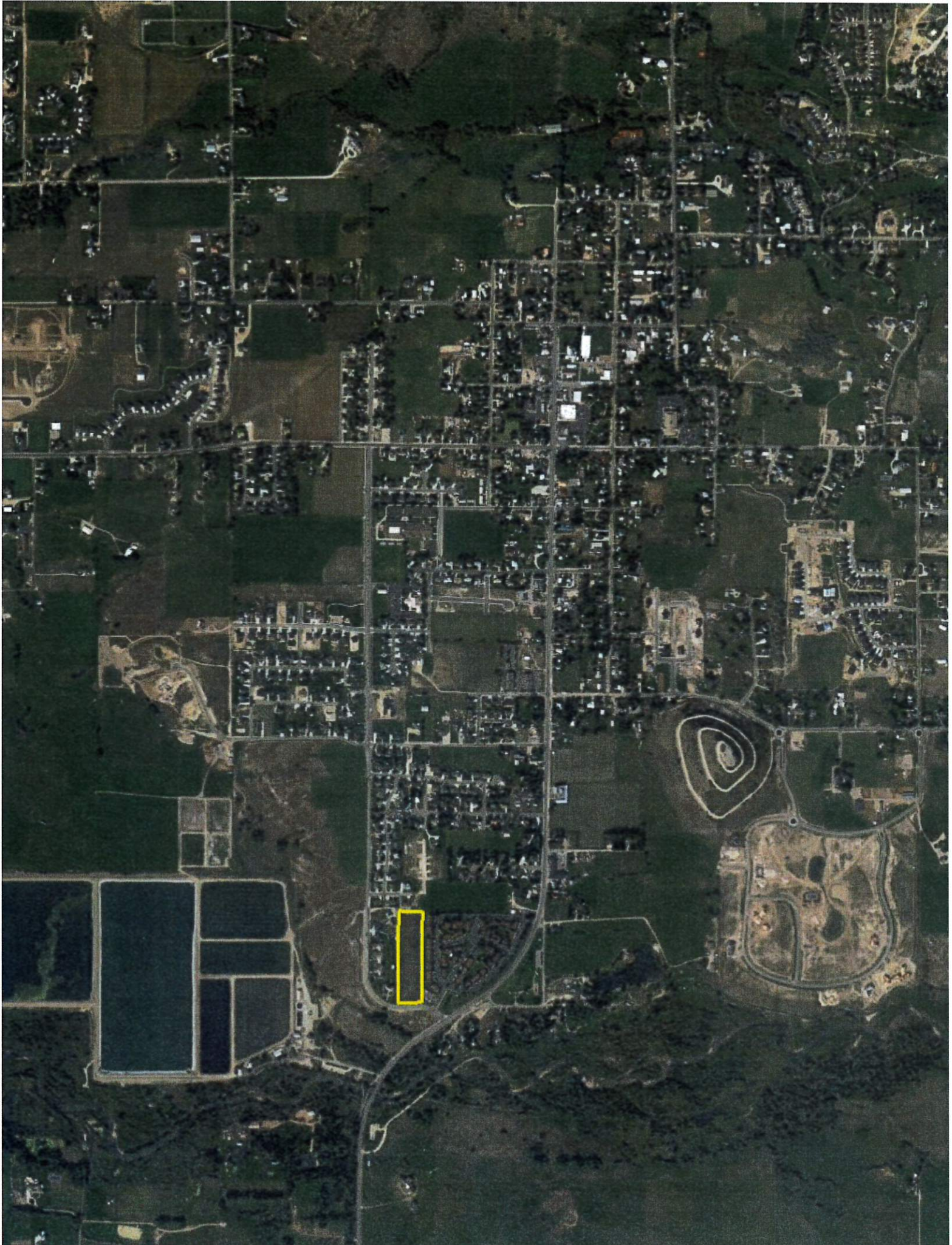
Rising Heights LLC General Plan Amendment

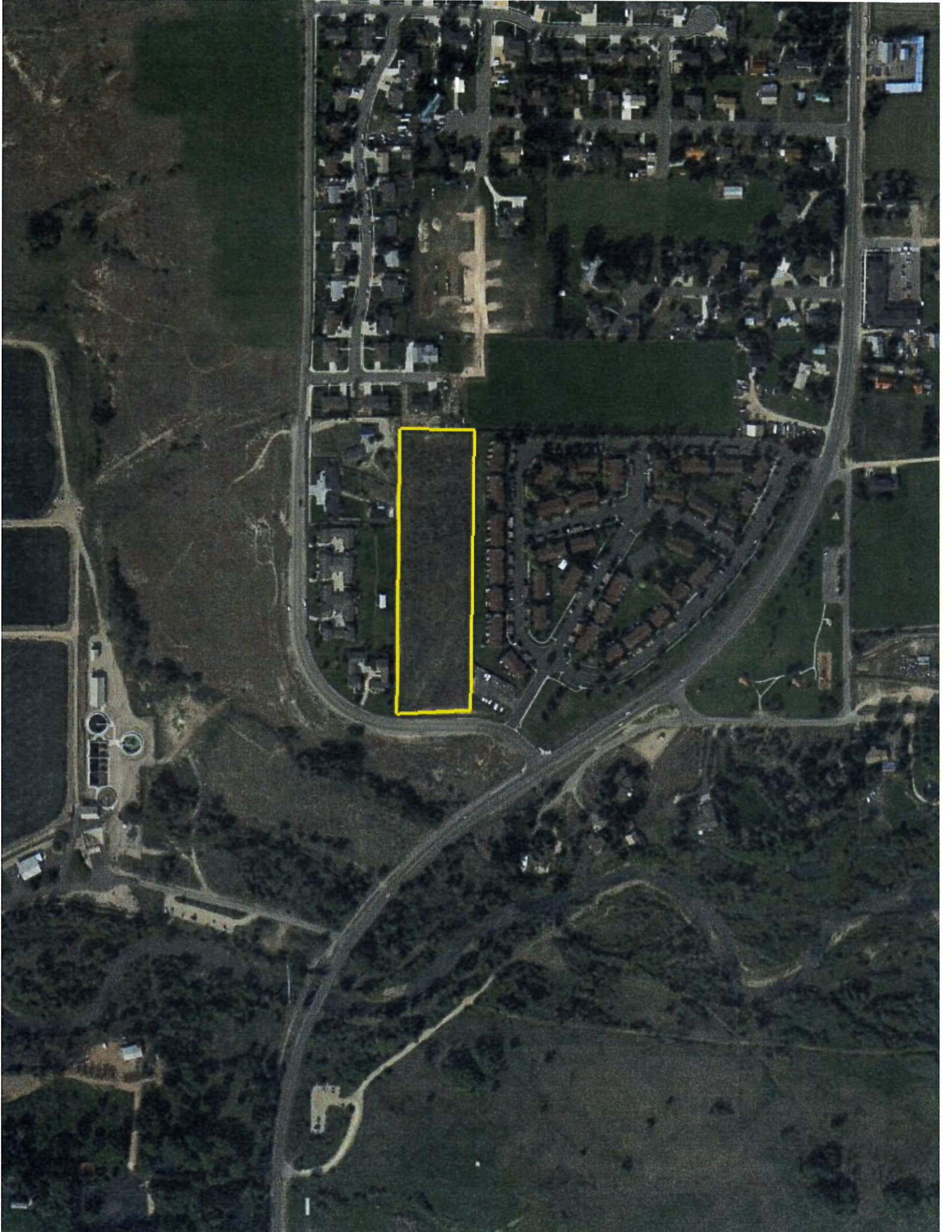
July 6, 2022

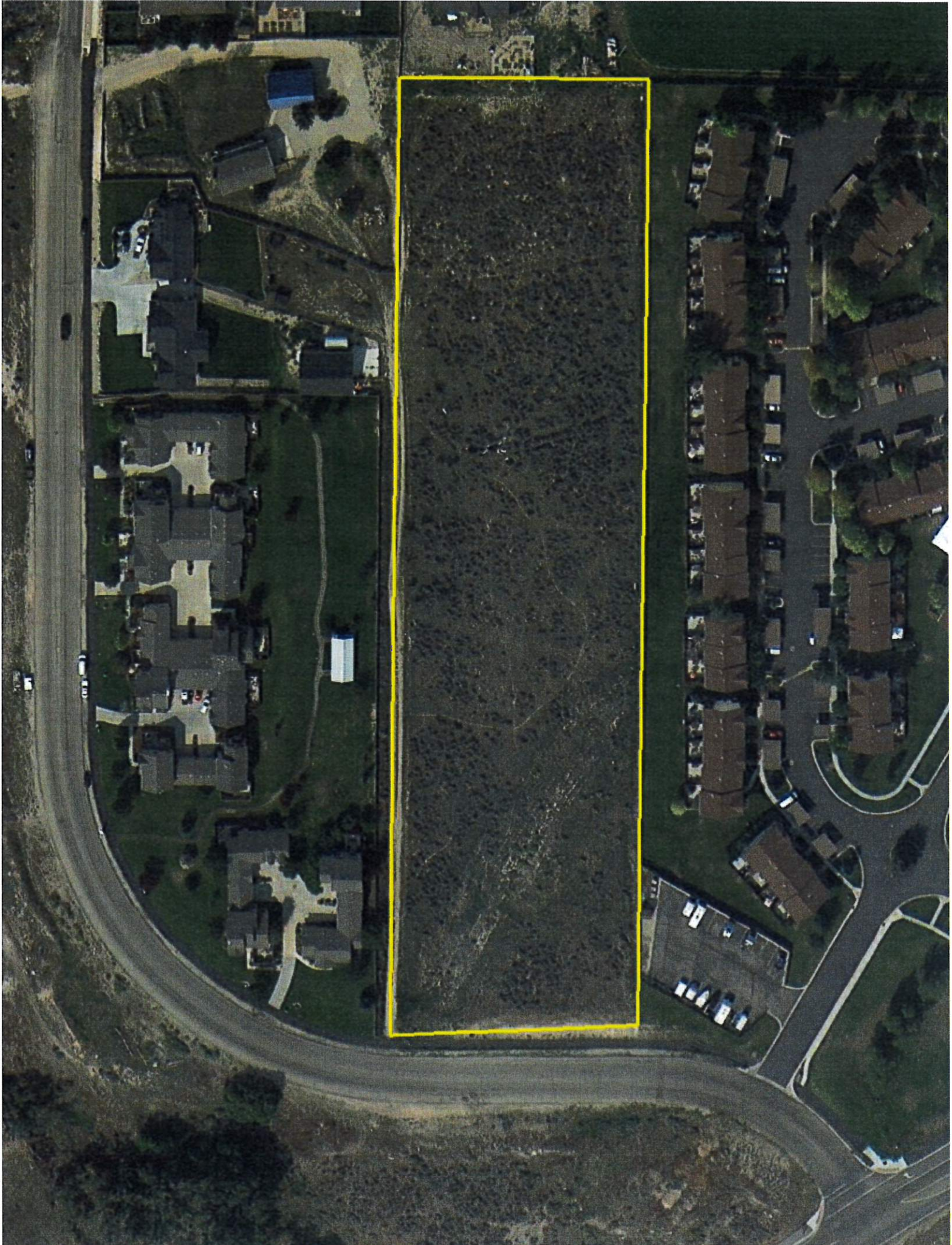
Michael Henke Midway City Planning Director,

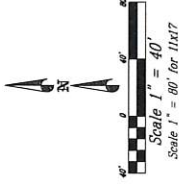
I have reviewed the Rising Height LLC General Plan Amendment for compliance with the 2018 International Fire Code (2018 IFC). I have no fire code concerns currently. Once more detailed plans are available, I will review this development for 2018 IFC code compliance verify proper hydrant location & distances from structures, road widths, etc.

Tex R. Couch CBO/MCP
Midway City Building Official/Fire Marshal
75 West 100 North
Midway, Utah 84049
tcouch@midwaycityut.org
(435)654-3223 Ext. 107









THIS IS A CONCEPT PLAN ONLY AND HAS NOT RECEIVED APPROVALS FROM MOHAWK CITY.

- LEGEND:**
- SPRASS (0.74 ACRES)
 - NATIVE/MIDFLOWER MIX BRIGIATED (1.25 ACRES)
 - EXISTING NATIVE NON-BRIGIATED (0.33 ACRES)
 - PLANTER BEDS (0.66 ACRES)

- TOTAL AREA**
- 4.79 ACRES
 - ROADS & PARKING
 - LANDSCAPING (BRIGIATED)
 - LANDSCAPING (NON-BRIGIATED)
 - UTILITY EQUIPMENT

THIS DOCUMENT IS INCOMPLETE AND IS BELIEVED TO BE UNRELIABLE FOR CONSTRUCTION. THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY. CONTACT THE ARCHITECT FOR MORE INFORMATION.

PAUL D. BERG, P.E.
 SERIAL NO. 2008082
 DATE: 11 AUG 2002

INFORM ARCHITECTURE
 RISING HEIGHTS SCHOOL

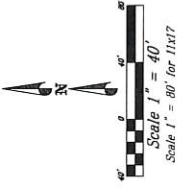
SITE PLAN



DESIGNED FOR: FOR DATE: 1 AUG 2002
 DRAWN BY: DAJ REV: 1



AS SHOWN, THE QUARTER CORNER COMMON WITH SECTIONS 36 AND 1, TOWNSHIP 3 SOUTH, RANGE 4 EAST, COMMENCING AT THE QUARTER CORNER COMMON WITH SECTIONS 36 AND 1, A DISTANCE OF 205.21 FEET, TO THE SECTION CORNER COMMON WITH SECTIONS 36, 1, AND 1, THENCE NORTH 89°23'00" WEST, A DISTANCE OF 603.50 FEET, THENCE NORTH 89°24'42" WEST, A DISTANCE OF 218.43 FEET, THENCE ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 290.00 FEET, THROUGH A CENTRAL ANGLE OF 02°48'17", A DISTANCE OF 14.28 FEET TO THE POINT OF BEGINNING, CONTAINS 4.79 ACRES MORE OR LESS.



SLOPE LEGEND
 0% - 5% SLOPES
 5% - 10% SLOPES
 10% - 15% SLOPES
 15% - 20% SLOPES
 20% - 25% SLOPES
 25% - 30% SLOPES

THE OCCUPANT'S SIGNATURE AND SEAL SHALL BE NEARBY AND SHALL BE VALID FOR THE PROJECT AND NOT BE REUSED FOR ANY OTHER PROJECT.
 PAUL S. BERG, P.E.
 SERIAL NO. 200992
 DATE: 11 MAY 2022

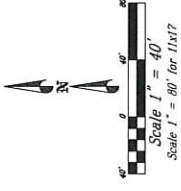
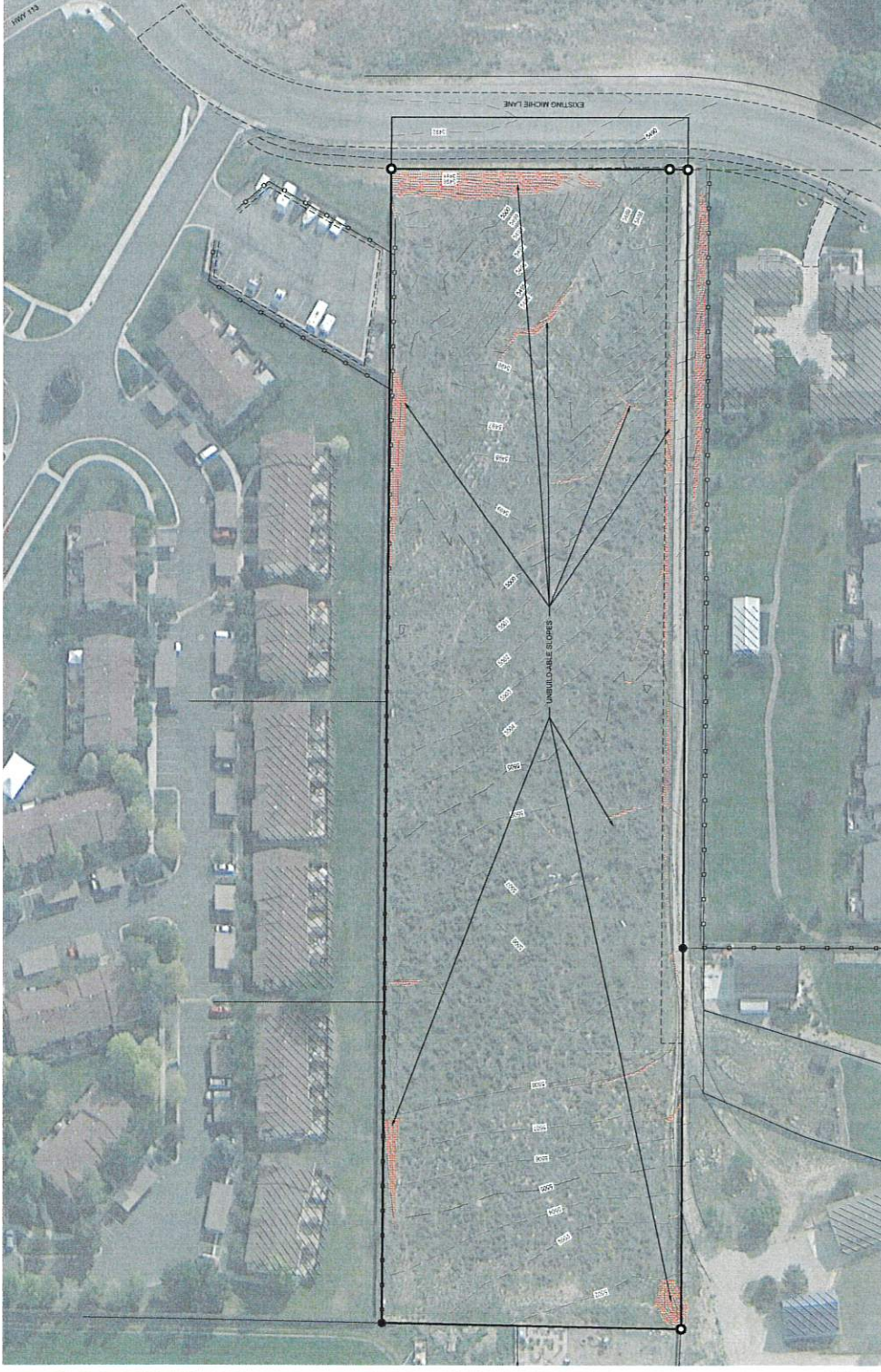
BRISNG HEIGHTS SCHOOL

SLOPE MAP



BERG ENGINEERING
 200 S. Main St. Suite 204
 P.O. Box 427 2749

DESIGN BY: PDB	DATE: 11 MAY 2022	SHEET: 4
DRAWN BY: DEJ	REV:	



SENSITIVE LANDS NOTE: THIS MAP DOES NOT INDICATE THE PRESENCE OF SENSITIVE AREAS SUCH AS WETLANDS, POTENTIAL WETLANDS, OR OTHER SENSITIVE AREAS. THE USER OF THIS MAP SHOULD CONSULT WITH THE APPROPRIATE AGENCIES FOR FURTHER INFORMATION.

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 ALL NECESSARY PERMITS AND
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 AGENCIES. DATE: 11 MAY 2002

RISING HEIGHTS SCHOOL	
ENVIRONMENTAL CONSTRAINTS PLAN	
DESIGN BY: EDB	DATE: 11 MAY 2002
DRAWN BY: EDB	REV: 5