



## PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** October 11, 2022  
**AGENDA ITEM:** General Plan Amendment  
**DOCUMENT:** Road System Master Plan  
**NAME OF APPLICANT:** Peter and Emily Malinka

### **ITEM: 3**

Peter and Emily Malinka are proposing a General Plan Amendment to amend the Midway City's Road System Master Plan. This proposal would remove a portion of 200 North and reroute the road from 180 North (Indian Summer subdivision) to 250 North.

### **BACKGROUND:**

Peter and Emily Malinka are proposing a General Plan Amendment. The proposal is to amend the City's Road System Master Plan and remove a portion of 200 North and reroute the road from 180 North (Indian Summer subdivision) to 250 North. This proposal directly impacts seven properties that the planned road would have crossed or, if approved, will now have a road planned across their property. The road section that is petitioned for removal was first found on the City's 1977 Master Street Plan. Amending the General Plan is a legislative action. The City Council is under no obligation to approve an amendment. All issues should be considered in a legislative process which is unlike when the City Council acts administratively.

The Road System Master Plan is a planning tool used by the City to assure road connectivity that will benefit residents, visitors, commercial uses such as deliveries, and emergency services. The City places roads on the master plan to determine where future roads will be located. These roads are usually built by developers but may be built by the City which was the case for parts of Michie Lane. Most of the roads on the plan are connecting "A" to "B" with no specific adopted alignment. Some roads on the plan are more important than others and it is possible that changes in land use, such as reduction in density because of a conservation easement or lower than normal densities are created in new subdivisions, that makes certain connections not as important as they would have been if maximum density were developed in the area. It is the City Council's discretion to add and remove planned roads from the map.

The Malinkas, owner of some of the impacted property, are proposing the amendment so that if their property is developed, then the road connection will not be required as currently shown on the plan. What is offered, according to the application, is a low-density development and to preserve more openness in Midway. A concept plan was submitted as part of the application for the future development. Staff feels that if an amendment is approved, the approval should be conditional based on the Malinka's concept plan being approved and recorded before the map is officially amended.

The City is currently in the process of amending the General Plan. One of the committees formed looked specifically at transportation which included a thorough review of the Road System Master Plan. The committee has finished its review and has made a recommendation to the Planning Commission and City Council to consider some revisions to the Road System Master Plan. One of the proposed revisions is to remove this section of 200 North and leave only a small section that would connect 180 North (Indian Summer) to 200 East. The committee based its recommendation on the following two findings: there are multiple redundant roads in the area and lower density is likely because of wetlands in the area and because property owners in the area would like to preserve open space and reduce potential density by creating low density subdivisions such as the Malinka's proposed low density subdivision.

#### **ANALYSIS:**

The Malinka property could be developed if the planned road is built. The road would create frontage on both sides of the street for lots in the development and surrounding properties. Staff estimates that the Malinka property could contain up to 13 lots if developed under the current zoning.

If the proposed amendment is approved then the property on the east of 250 North, owned by Engfers, would be impacted because of this change. This property has never had a road planned across it and it appears unlikely that the property can be subdivided. Therefore, if the proposed road is ever built then, most likely, the City would need to buy the property, either by a willing seller or through eminent domain, and then the City would need to build the road. It may not be possible to comply with all the eminent domain requirements to force a sell of the property.

Whenever an amendment to the land use code or one of the adopted maps of the City are proposed, the City should look to the General Plan for guidance. There should be support for any proposed amendments in the General Plan for an amendment to be successful.

One of the goals of the General Plan is to preserve open space and a rural atmosphere. Clearly reducing the density on the property and eliminating a future road would help meet those goals. The following is support from the General Plan for preserving open space and a rural atmosphere:

*Elements of the Community Vision*

- *Effective planning through clustering, setbacks, Transfer Development Rights and animal/agriculture ordinances will help Midway to preserve its view corridors, maintain open spaces and reinforce a country/rural feeling.*
- *Midway is characterized by valuable open space resources that contribute to the community's character and overall quality of life. Open spaces hold value for ecological, agricultural, cultural and recreational qualities, and these lands are worthy of careful planning and conservation.*
- *Midway will retain a rural atmosphere through open space preservation*
  - *Through effective zoning, Midway will plan for density closer to its core reinforcing more open space and less density as the City grows to its limits.*
  - *All developments will incorporate various kinds of open space into their projects.*
  - *Open spaces will be accessible, visible, appropriately landscaped (depending on the open space purpose and use) and will be aesthetically pleasing.*
  - *Development and City entryways will be landscaped, aesthetically pleasing and, where appropriate, will reinforce a Swiss/ European theme.*
  - *Effective planning through clustering, setbacks, Transfer Development Rights and animal/agriculture ordinances will help Midway to preserve its view corridors, maintain open spaces and reinforce a country/rural feeling.*
  - *Animal rights will be protected and promoted to help preserve the rural atmosphere and preserve open space.*
- *Guideline 5: Encourage the preservation of prime agricultural land and open space within Midway and the surrounding valley. High-quality, well-planned residential areas with open spaces that support and complement the unique rural quality and character of the City;*
- *Goal 2: Encourage open space to preserve a high quality of life and to preserve Midway's rural atmosphere.*

- *Development Vision*

1. *High-quality, well-planned residential areas with open spaces that support and complement the unique rural quality and character of the City;*
2. *Open space areas, while preserving sensitive lands.*

Again, clearly there is support in the General Plan to preserve open space and to maintain a rural atmosphere. The General Plan also focuses on transportation and the needed connectivity that allows a community to function. The City has adopted the Road System Master Plan to assure roads are built in areas where they have been identified that they are needed. The following are selections from the General Plan regarding future street planning and connectivity:

- *The transportation element is designed to provide for the safe and efficient movement of people and goods in the City. Its primary purpose is to balance current and future demands generated by projected future growth with roadway improvements. In essence, it is a long-range transportation plan which would efficiently support future land development and ultimately Midway's vision for the future.*
- *Additional east-west mobility will be central to mitigating these effects. As Midway continues to grow, building a complete system of roads and trails using multiple corridors and alternatives will become even more important.*
- *Neighborhood connectivity is important for local traffic and for emergency response and should be considered for all new development. Neighborhood connectivity will allow local traffic to use local streets and through traffic to use the collector roads which will allow traffic to be the safest and most efficient.*
- *Transportation Goals and Guidelines*
  - *Objective 2: Design an adequate transportation system for current and future residents and areas of development.*
  - *Guideline 3: Neighborhood connectivity is important for local traffic and for emergency response and should be preferred for all new development.*

One point emphasized in the General Plan is connectivity which is important for local traffic and emergency response. Local traffic is dispersed when there are more options. Also, emergency response is affected if there are limited options to arrive at the site of an emergency. Even road construction benefits if there are options for traffic detours. All these items make connectivity important to have a transportation that functions for a community.

The City is left with the debate of several items which include:

- How important is 200 North?
- How is local traffic, emergency services, and future road construction detours impacted if the road is removed? How does this impact the community for the short-term and at full build-out when Midway's population and traffic counts could be double or more?
- Open space and a rural atmosphere are important but are they important enough to remove 200 North from the Road System Master Plan?
- Eliminating the road could possibly reduce potential density from 13 lots to five lots on the Malinka property. It will also make access less likely for surrounding properties making it more difficult to develop those properties which will leave the area with more openness. Does this make the proposal more acceptable?

#### **POSSIBLE FINDINGS:**

Findings supporting the amendment:

- Potential density could be reduced if the road is removed.
- Goals in the General Plan promote open space and a rural atmosphere.
- The General Plan promotes reducing density whenever appropriate.

Findings opposing the amendment:

- The road has been planned since 1977.
- There are limited options for connecting Center Street and River Road.
- With less connecting roads, more traffic is forced on to the existing roads which compounds as Midway grows.
- Goals in the General Plan promote connectivity for local traffic circulation and emergency response.
- More connectivity allows for options for detours when roads are under construction.

**ALTERNATIVE ACTIONS:**

1. Recommendation for Approval. This action can be taken if the Planning Commission finds there is good cause to amend the General Plan.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for approval (findings)
  
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 for Denial. This action can be taken if the Planning Commission finds there is not good cause to amend the General Plan.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**PROPOSED RECOMMENDED CONDITION:**

The General Plan amendment is conditioned that the Road System Master Plan is only amended for the construction of a density reduction subdivision limited to five lots on the Malinka property. Once the density reduction subdivision plat is recorded, the amendment will officially be adopted by the City and the Road System Master Plan will be amended in the General Plan.

# **Exhibits**

**Exhibit 1 – Applicant’s reasons for amending the map**

**Exhibit 2 – Current Road System Master Plan**

**Exhibit 3 – Applicant’s proposed amended map**

**Exhibit 4 – General Plan Committee’s recommended map**

**Exhibit 5 – Midway 1977 Road System Master Plan**

**Exhibit 6 - Applicant’s supporting documents including future development concept plan**

# **Exhibit 1**





380 E. Main, Suite 204  
Midway 84049 UT  
435.657.9749

September 6, 2022

Michael Henke  
Midway City Planner  
75 North 100 West  
Midway, Utah 84049

Re: Malinka Property  
Request to Amend Road System Master Plan

Dear Michael:

Peter and Emily Malinka request to amend the Midway City Road System Master Plan to remove a section of 100 East and 200 North from the master plan. This letter provides a response to questions listed on the General Plan Amendment Application for this request.

Advantages to Removing 100 East and 200 North on the Malinka Property

- 250 North is an existing street just north of the Malinka Property. This street can be extended to the east through a vacant property to create a connection between Center Street and River Road.
- Extending 250 North to the east to the Indian Summer Subdivision is a shorter route to complete the Center Street to River Road connection than developing 200 North. The 250 North route also reduces the number of affected property owners compared to the 200 North route.
- The 200 North alignment as shown on the Midway City Road System Master Plan will require purchase or condemnation of property to connect to Center Street. The extension of 250 North to the existing stub road in the Indian Summer Subdivision can occur when Parcel 06-4852 develops.
- Moving the master planned road to 250 North allows use of an existing four way intersection and 250 North and Center Street. A new intersection at 200 North would reduce intersection spacing and possibly create spacing conflicts with the parking lot access for the church at 165 North Center Street.
- The connection of 100 East to 250 North is blocked by existing homes. 100 East should be allowed to dead end with a cul-de-sac. 200 East can connect to 250 North through a vacant parcel. 200 East should be required to connect to 250 North to promote street connectivity.

Please let me know if you have any comments or questions regarding this request to amend the road system master plan.

Respectfully,

*Paul Berg*

Paul Berg, P.E.

**Our Vision for the City of Midway is to be a place where citizens, businesses, and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances our small town Swiss character and natural environment, as well as remaining fiscally responsible.**

Please give us a detailed statement on how the proposal will help implement our vision (i.e. architecture, landscaping, trails, etc.). Visit our website to view our General Plan.

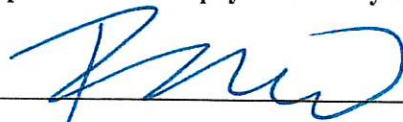
The city of Midway desires to keep the views aesthetically pleasing for all, but this can not be accomplished with unnecessary roads taking over beautiful and open farm land. The road 200N is on the city map to continue east from Center St running through multiple open spaces kept so by home owners to honor the vision of Midway. The original proposal of the road was to be a connection from Center all the way to River Road, however with the addition of the Indian Summers development the proposed road will no longer be a direct connector but run through a neighborhood thus disturbing the family orientation of our city. As there are already in place multiple other connecting streets (600 N, 100 N and Main St) this 200 N is simply redundant and takes away from our good city's beauty.

**Please read and sign before application submittal**

I declare under penalty of perjury that I am the owner or authorized agent of the property subject to this request and the foregoing statements, answers and attached documents are true and correct. As the applicant for this proposal, I understand that my application is not deemed complete until the Planning Office has reviewed the application. I further understand I will be notified when my application has been deemed complete. At that time I expect that my application will be processed within a reasonable time, considering the work load of the Planning Office.

**I fully understand that I am responsible for the payment of any back taxes and declare that I am responsible for all fees incurred.**

Signature of Owner or Agent: \_\_\_\_\_

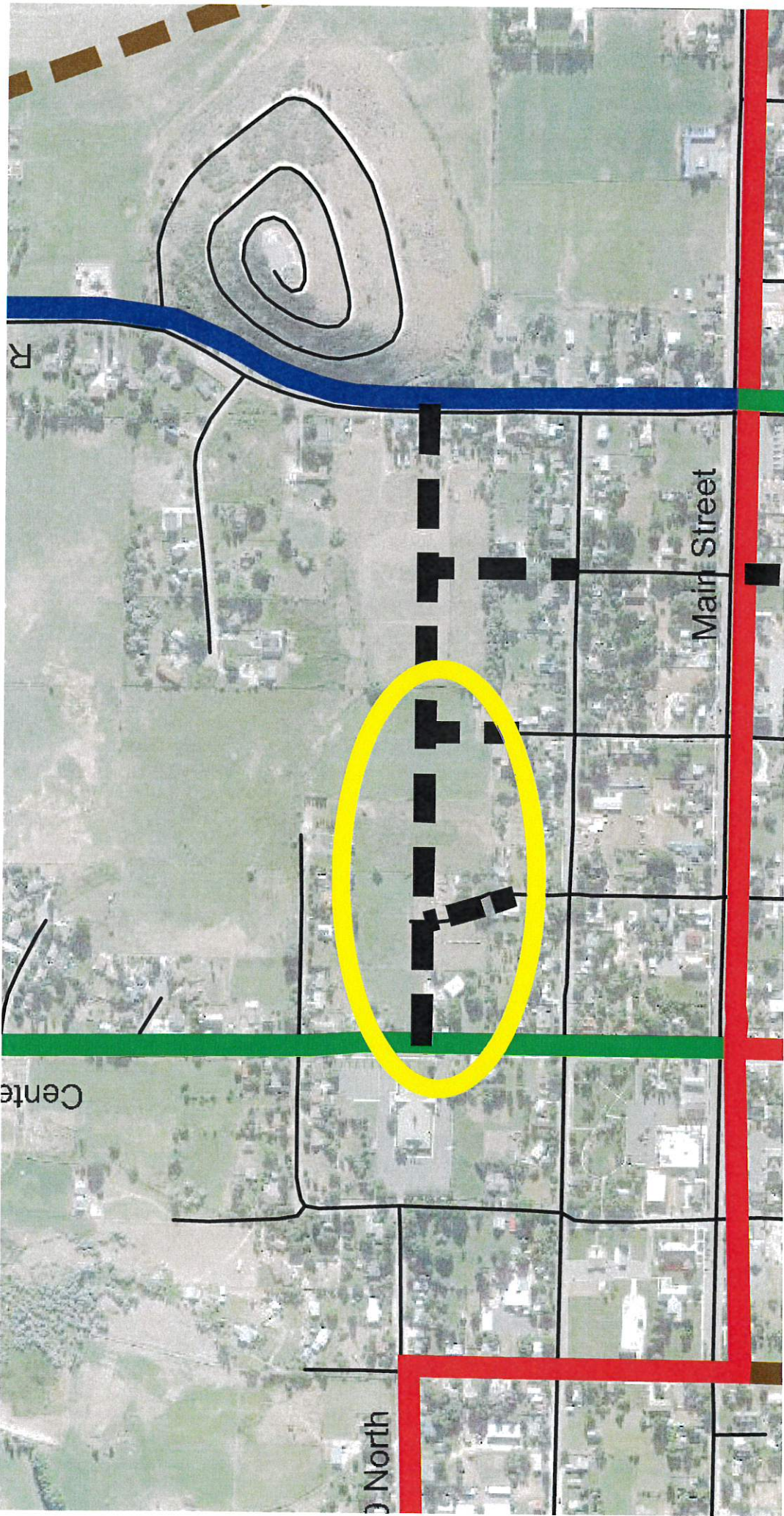


Date: \_\_\_\_\_

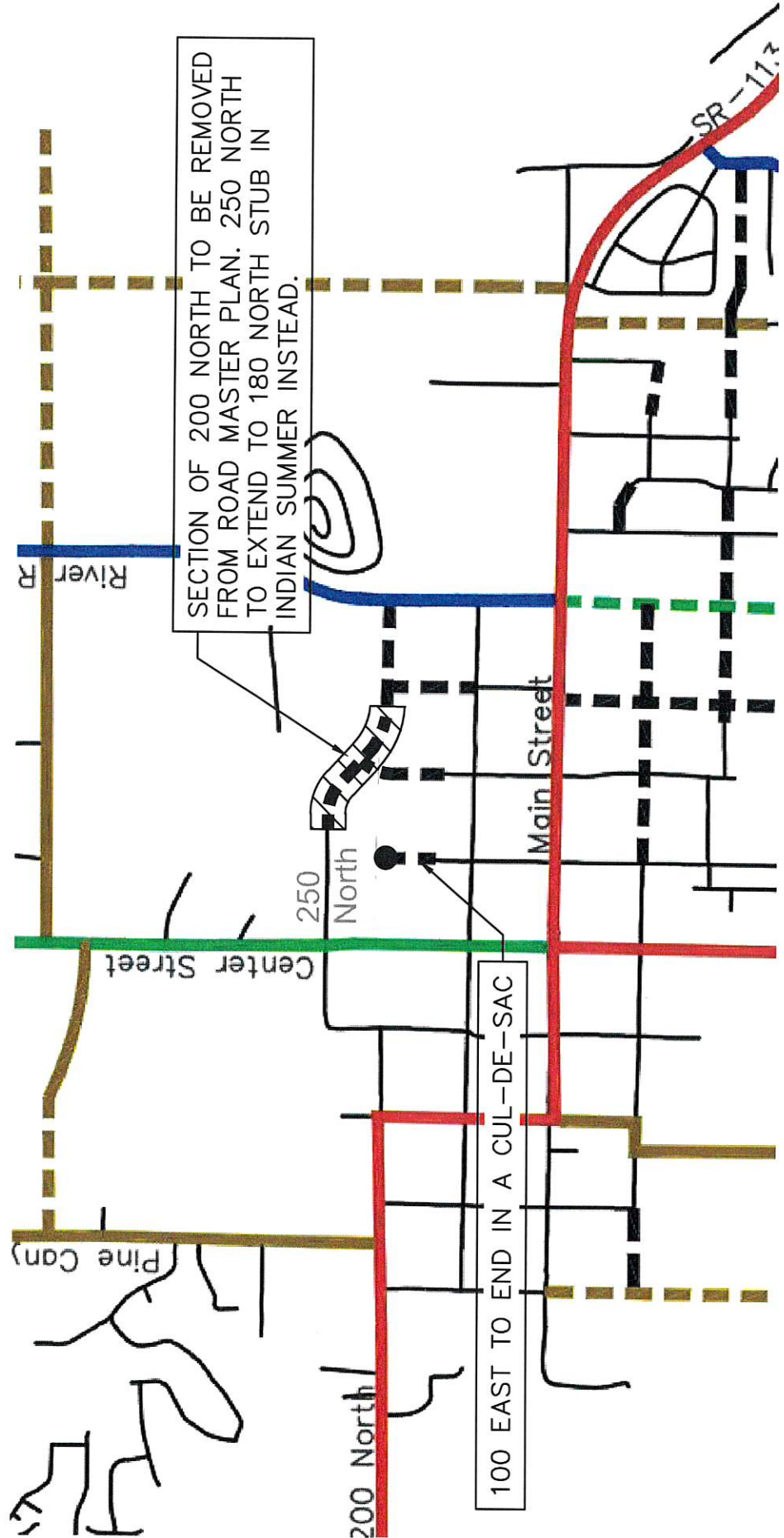
9.7.22

**IMPORTANT: Your application cannot be processed until determined complete by the Planning Staff. An application shall be considered complete when all applicable fees are paid (such as Midway Water Board, Midway Sanitation District, out-of-pocket expenses, etc.) and all items listed herewith are provided or considered not applicable by the Planning Office. All application fees are non-refundable.**

# Exhibit 2



# **Exhibit 3**



SECTION OF 200 NORTH TO BE REMOVED FROM ROAD MASTER PLAN. 250 NORTH TO EXTEND TO 180 NORTH STUB IN INDIAN SUMMER INSTEAD.

100 EAST TO END IN A CUL-DE-SAC

River RD

Center Street

250 North

Main Street

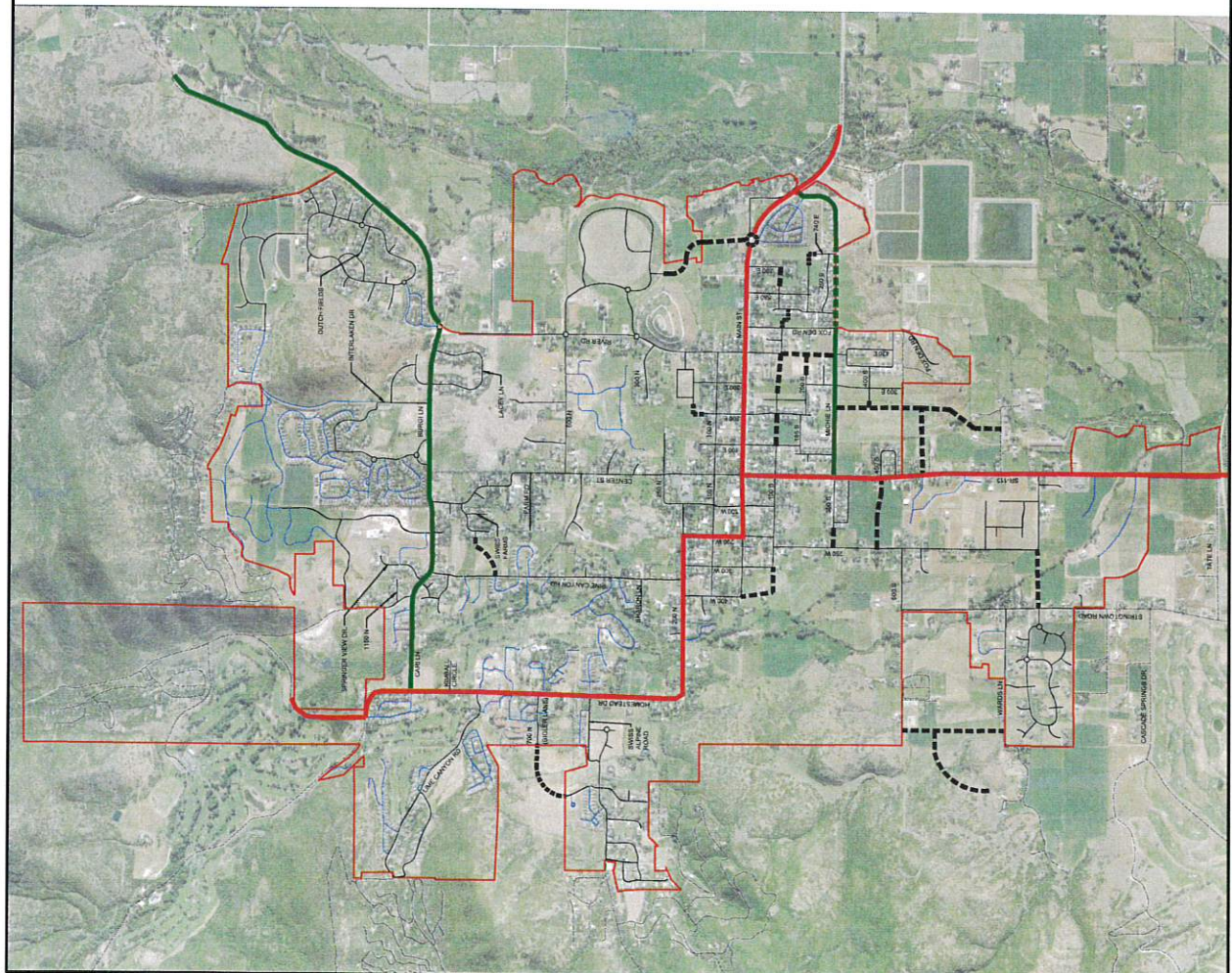
Pine Cany

200 North

SR-112

# **Exhibit 4**

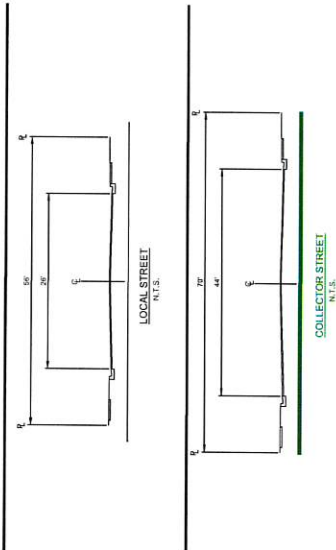




**FIGURE 2-1**  
**MIDWAY CITY**  
**ROAD SYSTEM**  
**MASTER PLAN**

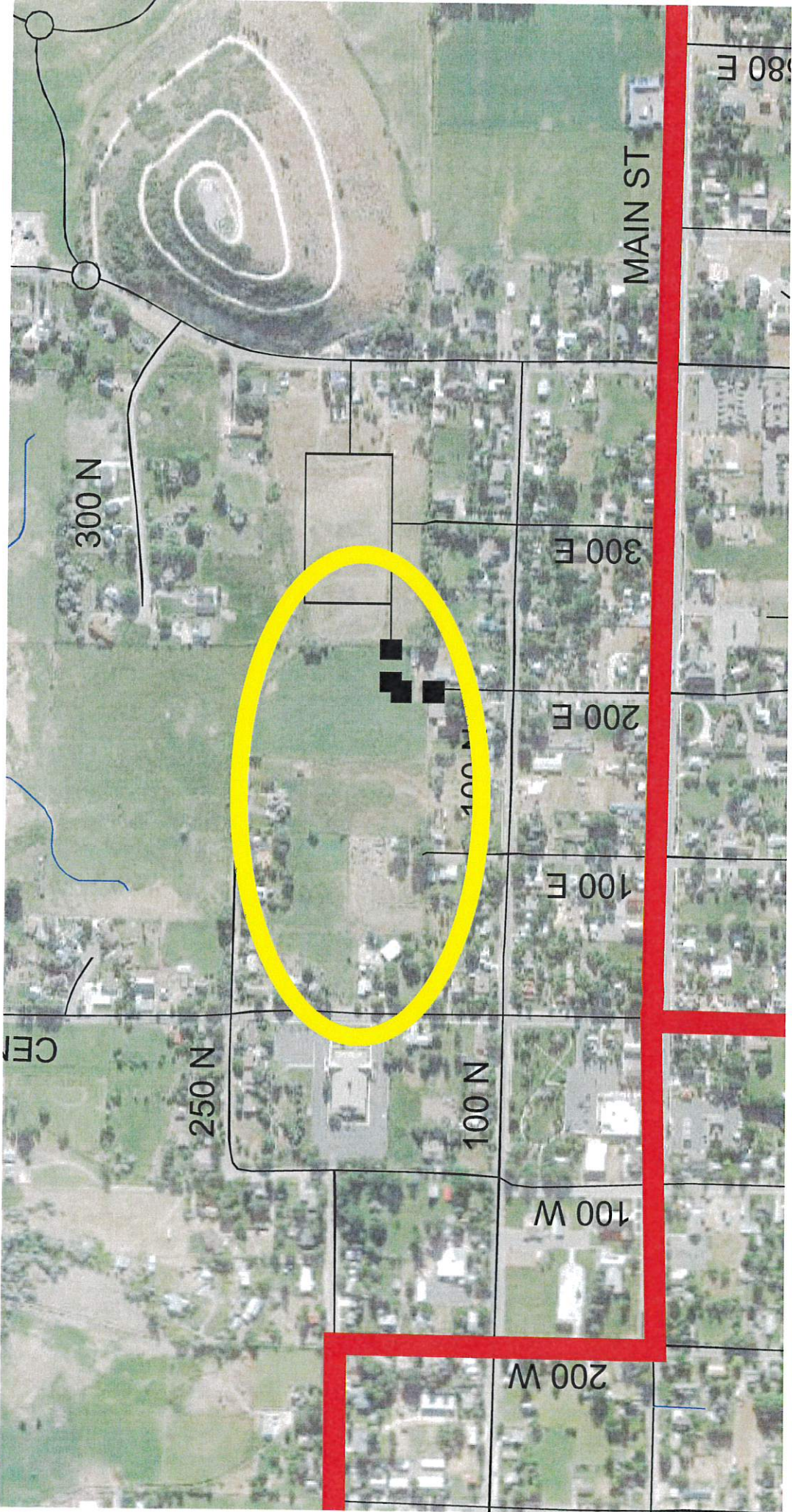
**LEGEND**

- PRIVATE ROADS
- MIDWAY CITY BOUNDARY
- ROADS OUTSIDE OF MIDWAY CITY BOUNDARY
- EXISTING LOCAL
- EXISTING COLLECTOR
- EXISTING ARTERIAL (UDOT)
- FUTURE LOCAL
- FUTURE COLLECTOR

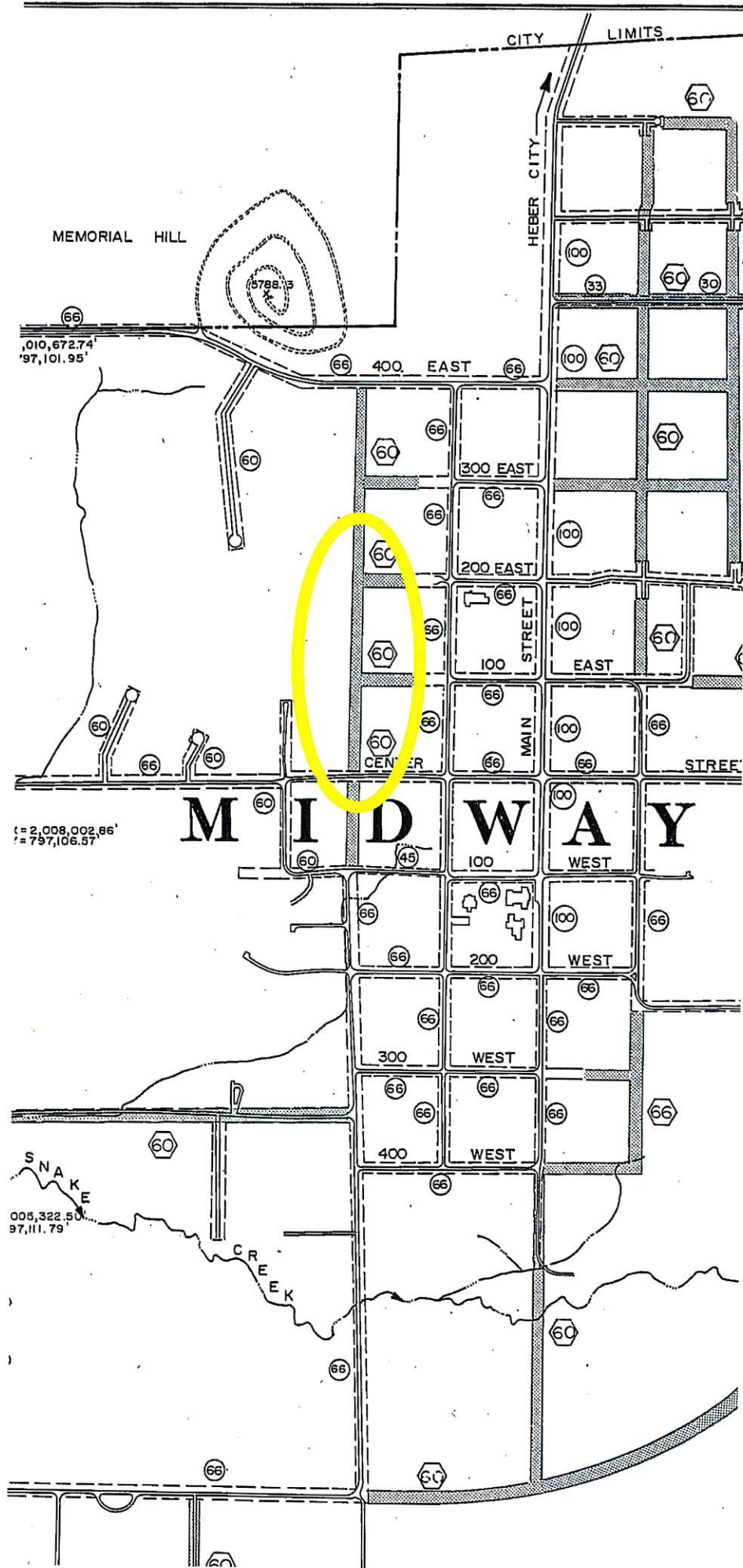


**HORROCKS**  
**ENGINEERS**  
220 WEST 100 SOUTH, SUITE 100  
MIDWAY, UTAH 84049  
(435) 654-3223

**Midway**  
MIDWAY CITY  
75 NORTH 100 WEST  
MIDWAY, UTAH 84049  
(435) 654-3223



# **Exhibit 5**

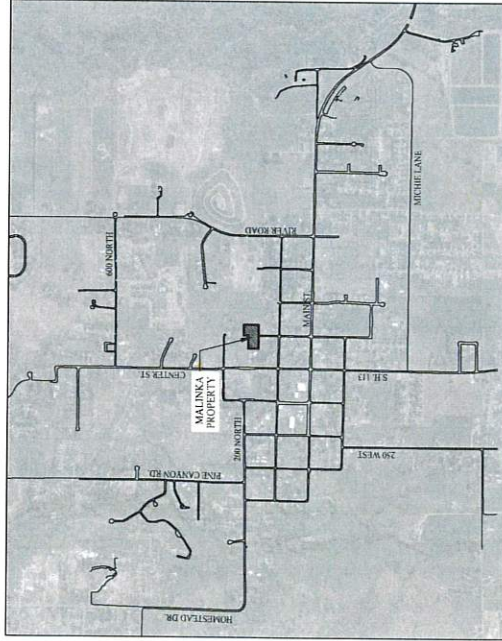


# Exhibit 6

# MALINKA PROPERTY ROAD MASTER PLAN AMENDMENT

## SHEET INDEX

1. MIDWAY ROAD SYSTEM MASTER PLAN
2. PROPOSED AMENDMENT TO ROAD SYSTEM MASTER PLAN
3. COUNTY PARCEL MAP
4. SLOPE MAP
5. ENVIRONMENTAL CONSTRAINTS
6. CONCEPT PLAN



MIDWAY CITY  
VICINITY MAP

ROAD MASTER PLAN AMENDMENT - 7 SEPTEMBER 2022

THIS DOCUMENT IS UNCLASSIFIED  
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FOR INFORMATION ON THIS SUBJECT,  
CONTACT THE RECORDS MANAGEMENT  
DIVISION, 1000 N. GARDEN ST.,  
SUITE 100, ANIMAS, P.O. BOX 245000,  
DENVER, CO 80224-5000. P.E.  
DATE: 7 SEP 2022

MALINKA  
ROAD MASTER PLAN AMENDMENT  
COVER SHEET



DESIGNED BY: BEIG  
DRAWN BY: BEIG  
DATE: 7/26/2022  
SHEET: 0

**FIGURE 2-1**  
**MIDWAY CITY**  
**ROAD SYSTEM**  
**MASTER PLAN**

**LEGEND**

- EXISTING LOCAL COLLECTOR
- EXISTING MINOR COLLECTOR
- EXISTING COLLECTOR
- EXISTING MINOR ARTERIAL (ROOT)
- - - NEW OR UPGRADED LOCAL
- - - NEW OR UPGRADED LOCAL COLLECTOR
- - - NEW OR UPGRADED MINOR COLLECTOR
- - - NEW OR UPGRADED COLLECTOR

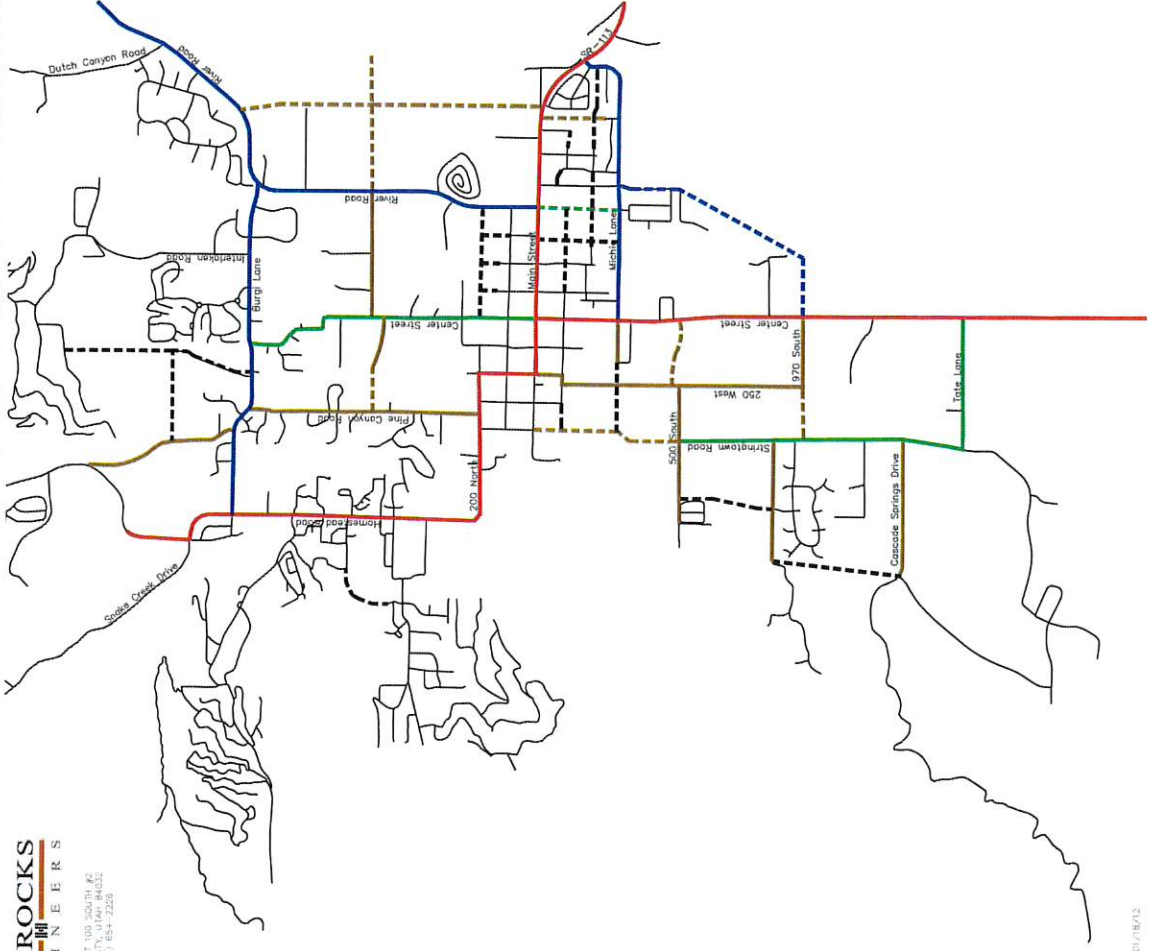
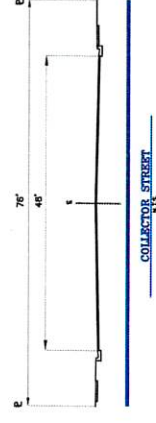
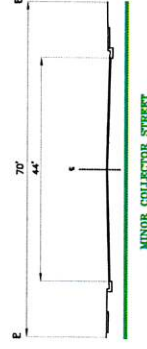
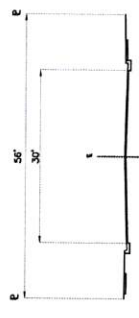
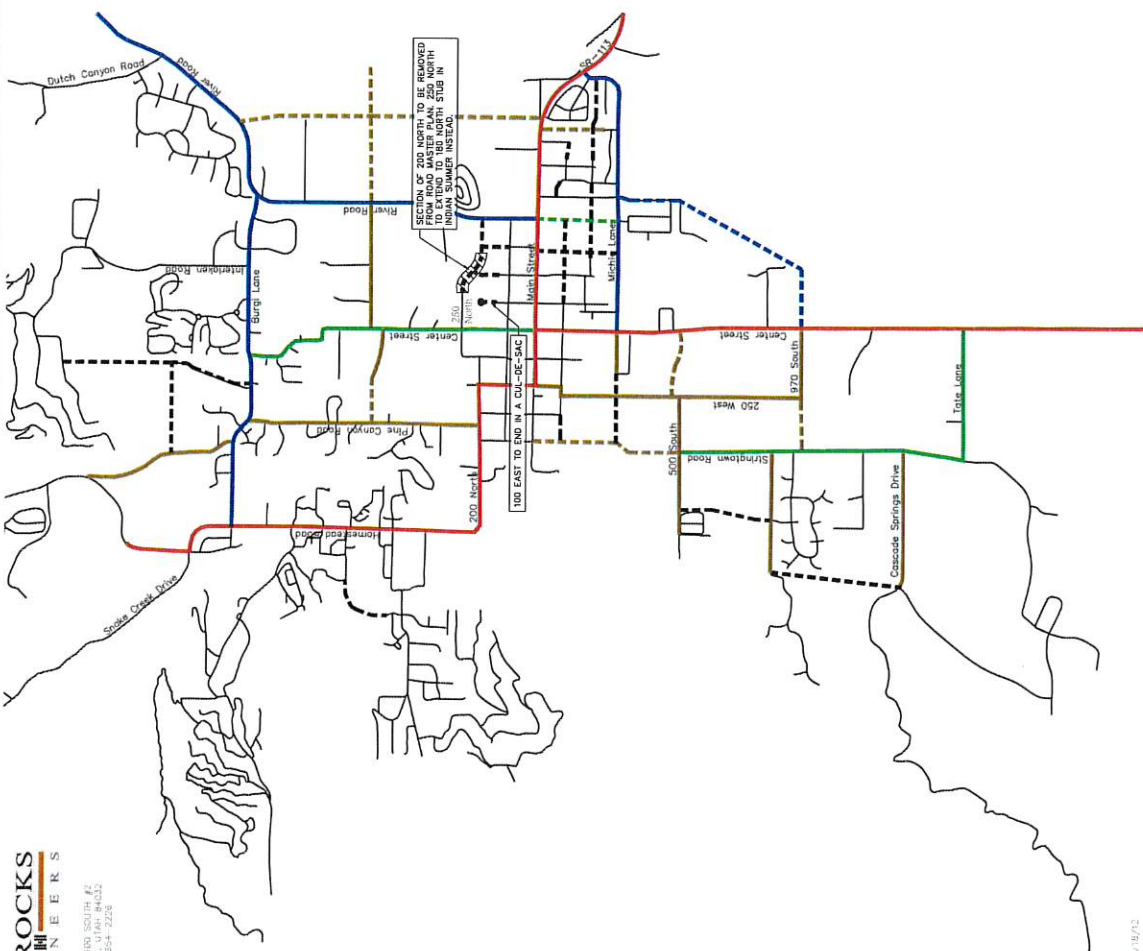
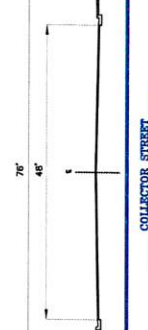
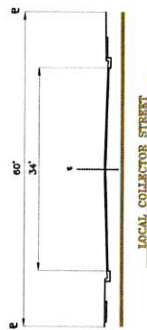
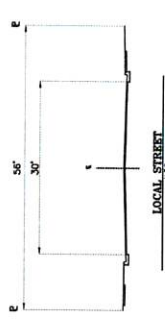


FIGURE 2-1  
MIDWAY CITY  
PROPOSED AMENDED ROAD  
SYSTEM MASTER PLAN

LEGEND

- EXISTING LOCAL COLLECTOR
- EXISTING MINOR COLLECTOR
- EXISTING COLLECTOR
- EXISTING MINOR ARTERIAL (ROOT)
- NEW OR UPGRADED LOCAL
- NEW OR UPGRADED LOCAL COLLECTOR
- NEW OR UPGRADED MINOR COLLECTOR
- NEW OR UPGRADED COLLECTOR







**SLOPE LEGEND**  
 0% - 5% SLOPES  
 5% - 10% SLOPES  
 10% - 20% SLOPES  
 20% - 25% SLOPES  
 25% + SLOPES



SCALE: 1"=40'  
 Scale 1" = 80' for 11x17

ROAD PLAN AMENDMENT	
MALINKA	
SLOPE MAP	
<b>BERG ENGINEERING</b>	
<small>1000 WEST 10TH AVENUE        SUITE 200        DENVER, COLORADO 80202        PHONE: 303.733.8800        FAX: 303.733.8801        WWW.BERG-ENG.COM</small>	
DRAWN BY: PWB	DATE: 7/26/2012
REVISION:	SHEET: 4



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 PAUL B. BERG, P.E.  
 SERIAL NO. 235593  
 EXPIRES 12/31/2012



- PROPERTY DOES NOT CONTAIN:
- SHALLOW OR DEEPER SLOPES
  - HOT SPOTS
  - WETLANDS
- SENSITIVE LANDS ON THE PROPERTY:
- TREES - SECTION 16.14.10



MALINKA  
ROAD PLAN AMENDMENT  
ENVIRONMENTAL  
CONSTRAINTS PLAN

**BERG ENGINEERING**  
10000 104th Ave NE  
Bellevue, WA 98004  
PH: 425.452.7919  
FAX: 425.452.7919

DRAWN BY: PHE DATE: 10/17/2012 SHEET: 5  
DRAWN BY: DEF REV: \_\_\_\_\_

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FOR ALL INFORMATION, CONTACT  
THE ENGINEER OF RECORD,  
PAUL B. BERG, P.E.  
SERIAL NO. 220083  
DATE: 11/16/2012

**CONCEPT PLAN NOTE:**  
 THIS IS A CONCEPT PLAN ONLY AND HAS NOT RECEIVED ANY APPROVALS.  
 THIS IS A PRELIMINARY SUBDIVISION IN THE R-1-10 ZONE WHICH  
 ALLOWS 1.0 UNITS PER ACRE.  
 A CUL-DE-SAC AT THE END OF 100 EAST IS PROPOSED TO CREATE  
 STREET FRONTAGE FOR THE SUBDIVISION.



SCALE: 1"=30'  
 Scale 1" = 60' for 11x17

MILWAUKEE	
ROAD MASTER PLAN AMENDMENT	
CONCEPT PLAN	
(5 LOTS & CITY FRONTAGE)	
<b>BERG ENGINEERING</b>	
300 E. GRAND ST. SUITE 204 MILWAUKEE, WI 53212 PHONE: 414.224.9747	
DESIGNED BY	DATE: 7/25/2012
DRAWN BY	REV:
	SHEET
	6

DATE	DESCRIPTION