

Midway City Planning Commission Regular Meeting Minutes December 13, 2022

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

Attendance

Jeff Nicholas- Chairman
Andrew Osborne
Andy Garland
Laura Wardle
Travis Nokes (Alt)
Craig Simons-Vice Chair

Staff

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

Excused

Genene Miles (Alt)
Kelly Lineback
Bill Ream

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 Wardle
 - Chairman Nicholas led the Pledge of Allegiance

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of November 8, 2022

Motion: Commissioner Garland: I make a motion that we recommend approval of the Planning Commission Meeting Minutes of November 8, 2022, as printed.

Seconded: Commissioner Simons

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Nokes, Osborne, Wardle, Garland and Simons

Nays: None

Motion: Passed

Item 2:

Travis Nokes, representative for Atlas Holdings, has submitted a Preliminary application and Conditional Use Permit for the proposed Springer Farms, a mixed-use project on approximately 1.26-acres. The proposed plan is a commercial planned unit development and includes eateries, commercial space, and short-term lodging. The property is located at 65 North 200 West and is in the C-3 zone.

Travis Nokes recused himself but stayed in the chamber to answer questions as he is the applicant.

Michael Henke gave a presentation

Land Use Summary

- 1.26 acres
- C-3 zoning
- Frontage 200 West (SR 222) and utility access to Main Street
- Fronts Town Square
- Will be recorded as one plat
- Private driveways, parking, and landscaping that will be common area and will be maintained by the POA
- 4 buildings
- 20 units
 - 8 lower floor commercial units (including two possible restaurants)
 - 10 upper floor short-term rentals (will not include kitchens, wet bars, or individual laundry facilities)
 - One administrative office
 - One full dwelling unit above restaurant

Conditional Use

- Proposal is a conditional use
 - (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
 - (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

Items of Consideration

- Architectural theme
 - VAC review on 12-14-22
- Parking
 - 50 required stalls
 - 50 stalls are provided in the application area
- Setbacks

- Commercial buildings bordering a residential use in a commercial zone is 8'
- Commercial buildings bordering a residential zone is 15'
- Maximum height of 35'
 - Architectural elements may reach a height of 52.5'
- TROD

Property Owners' Association

- Utility easement across property to Main Street
- Landscaping and fencing plan
- Lighting
 - All lighting have full-cut-off except as allowed otherwise by code
- Dumpster and snow storage
- UDOT approval and improvements to 200 West

Recommended Water Requirement

- # seats x 35 GPD x 365 days per year / 325,851 Gallons per acre feet x 1.77 return flow = acre feet water requirement
- Restaurant seats
 - 64 seats x 35 GPD = 0.36 acre feet x 1.77 (return flow) = 4.44 acre feet
- Full Dwelling = 0.8 acre feet
- 8 nightly rental units (no kitchen/wet bar/laundry) = 8 x 0.3 = 2.4 acre-feet
- 3 laundries = 1.07 acre-feet (services a total of 8 rooms at 180 GPD per laundry)
- Commercial space bathrooms (3 toilets) = 2.97 acre-feet
- Previous plan outside irrigation 24,232 square feet (0.56 acres) = 1.68 acre feet
- Current plan outside irrigation 13,776 square feet (0.24 acres) = 0.72 acre feet
- Total = 12.4 acre feet

Difference 12.4 – 4.5 = 7.9 acre feet

Possible Findings

- The proposal will benefit the City financially by creating a greater tax base and by providing more commercial options to the community.
- The proposal may help the City better comply with State requirements regarding the ability to collect resort tax.
- Commercial condominium developments are a conditional in the C-3 zone.
- Mixed-use developments are a conditional use in the C-3 zone.
- The proposed parking plan does comply with code requirements.

Recommended Condition

A landscaping and fencing plan must be reviewed, and a recommendation made by the VAC before the item is reviewed by the City Council.

Applicant and Commissioner Comments

There was a discussion regarding snow storage. Michael Henke stated that the city doesn't have any strict requirements for snow storage, but to present a plan and on heavy winter years, the project may have to take snow off the property.

There was a discussion regarding 200 West. According to Wes Johnson, UDOT is not asking for a traffic study. UDOT is heavily involved in this project, and they are not worried at this time.

There was a short conversation about the goal of what the building will look like that are facing the town square. The project will be going to a VAC meeting on December 14th that will address the design and the look of the buildings.

There was a conversation regarding some of the possible tenants for the commercial units and the restaurant. Their goal is to have an eatery and a bakery, but they do not have a tenant at this time.

Motion: Commissioner Simons: I make a motion that we recommend approval of a Preliminary application and Conditional Use Permit for the proposed Springer Farms, a mixed-use project on approximately 1.26-acres. The proposed plan is a commercial planned unit development and includes eateries, commercial space, and short-term lodging. The property is located at 65 North 200 West and is in the C-3 zone. We accept the staff findings and the one condition listed in the staff report.

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Osborne, Wardle, Garland and Simons

Nays: None

Recused: Commissioner Nokes

Motion: Passed

Item 3:

Chuck Heath, representative for Midway Mtn Spa LLC, has submitted a final application for Phase 1 of Ameyalli Resort on 28.87-acres. The final plan includes 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 and is in the Resort Zone.

Michael Henke gave a presentation

Land Use Summary

- 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, separate ownership), two family lodges, and amenities
- Public trails from 600 North to Burgi Lane (8' paved), River Road to resort core (soft surface),

and hot pot loop trail (soft 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 (12 buildings, separate ownership)
 - 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
 - Soft surface trail
 - Trail from River Road to resort core public trail
 - Soft surface 6-8' trail
 - 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 Spaa property
 - 30' setbacks from private roads unless approved by City Council
 - 15-20' setbacks for most buildings in Phase 1 but some are as minimal as 10' 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 October 3, 2022, to determine the water required for the proposal. They recommended that 124.5 acre feet (99.57 culinary and 24.93 outside irrigation) will be required for the entire project.
- Phase 1 will require 36.5 acre feet (27.8 culinary and 8.7 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.

Recommended Condition

1. The off-site storm drain easement must be recorded before the plat is recorded for Phase 1.

Applicant and Commissioner Comments

There was a short conversation regarding the areas that will not be irrigated. Chuck Heath stated that the land will be left natural as it is today with the natural foliage and rock.

Chuck Heath stated that the restored two story rock building will be used for the spa, a boutique or something that will tie into the spa amenities.

Construction is anticipated to begin early spring 2023 and the trail should be ready to use by late spring or early summer.

Chuck Heath explained how fractional ownership works. The owners have time to use it and to rent on a short term basis when the unit is not occupied by the owners.

Motion: Commissioner Garland: I make a motion that we recommend approval of the final application for Phase 1 of Ameyalli Resort on 28.87-acres. The final plan includes 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 and is in the Resort Zone. We accept the staff report and findings, along with the condition listed in the staff report. With the addition of the trail easement to be included as a condition.

Seconded: Commissioner Simons

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Nokes, Osborne, Wardle, Garland and Simons

Nays: None

Recused: None

Motion: Passed

Item 4:

Berg Engineering, agent for Gina Marie Honey Trust, is requesting preliminary/final approval of a 2-lot density reduction subdivision to be known as The Hideout subdivision. The two lots total 1.79 acres and are located at 170 South Fox Den Road and are in the R-1-11 zone.

This item was pulled from the agenda by the applicant.

Item 5:

Review and possible recommendation of approval of the 2023 Midway General Plan which is a revision of the 2017 Midway General Plan and includes chapters on Community Vision, Land Use, Economic Development & Resorts, Transportation, Moderate-Income Housing, Environment & Sensitive Lands, Main Street, Historic Preservation, Parks Trails & Recreation, and Open Space.

Michael Henke gave a presentation

The General Plan

- A practical vision and plan for the future
- Required by state code
 - Land use
 - Community Vision
 - Transportation
 - Moderate Income Housing
 - Water Conservation Plan
 - Sensitive Lands
 - Not required until 2025
- Not law - The plan is an advisory document or guide to aid land use authority in making decisions “small decisions lead to big results”

Requirements of the General Plan

- Present and future needs of the municipality
- Growth and development of all or any part of land within the municipality
- The municipality may determine the comprehensiveness, extent, and format of the general plan

Only Advisory

The general plan is an advisory guide for land use decisions unless otherwise provided in the local ordinance

Midway General Plan

- Created in 2010 and 2011
- Adopted in 2011
- Reviewed and revised in 2016
- Adopted in 2017
- Review and Revise in 2021 and 2022
- Adopt in 2023

General Plan Chapters

- Community Vision
- Land Use
- Transportation
- Moderate Income Housing
- Main Street
- Historic Preservation
- Parks, Recreation, and Trails
- Environment/Sensitive Lands
- Economic Development/Resort Areas
- Open Space

Community Vision

- Promote water responsible landscaping and maintenance
- Encourage core area for small commercial uses and attainable housing
- Support of businesses through practical signage and parking requirements, and the provision of housing options for service workers, transit options for workers and customers

Land Use

- Housing for a diverse population, a full mix of building uses to meet the basic residents' needs, walkable streets, engaging public spaces, civic facilities defining the City center, and accessible open spaces.
- Consider increasing the growth boundary to include the North Fields and area along River Road to the Hwy 40 intersection.
- R-1-7 and R-1-9: More development code options should be explored that will allow a variety of housing options that may include townhouses and other types of housing that will facilitate the ability to create attainable housing.
- Condominiums and apartments should be considered as part of a mixed-use development.
- Consider limits on single-family house size such as height, square footage, and volume limitations.
- Require open space areas between developments that are visible from roads.
- Protect commercial zones for commercial development.
- Parking in City owned rights-of-way should be for the public and not reserved residences.
- Keep rural feel.
- As much as possible, design the community for people, not cars.

Economic Development, Resort and Tourism Areas

- Plan for service working housing in Midway and resort areas.
- Work with surrounding communities to plan and provide mass transit opportunities that will benefit residents, visitors, and workers.
- Develop a system of themed wayfinding signs.
- Create public parking lots that will support businesses and allow for the most efficiency for land use and shared parking opportunities.

Transportation

- Promotes bicycle usage by creating more detached trails and bicycle lanes on collector roads
- Promotes walking in commercial areas
- Form a Safety and Transportation Committee that will review and recommend to the PC and CC regarding and proposed changes to the Road System Master Plan.
- Mitigate increased traffic on Main Street so that increased traffic does not negatively impact Main Street.
- Promotes parking garage hidden from Main Street.

Moderate Income Housing

- Increase housing for those below 80% AMI
 - Housing deficit for 50% AMI of 130 units
 - Housing deficit for 30% AMI of 300 units
- Incentivize developers to include moderate-income housing, participate in interlocal housing developments, create subdivision code that specifically creates moderate-income housing, limit building pads size in PUDs, and limit housing sizes in more dense zones.
- Reduce items that would decrease development cost for moderate-income housing such as required open space, setbacks, and parking. Also, consider increasing density for moderate-income housing.
- Explore allowing external ADUs in Midway
- Negotiate with developers to create workforce housing for developments in the Resort Zone
- Work with surrounding communities on housing issues
- Form the Attainable Housing Committee which will work on moderate-income housing issues.

Environment and Sensitive Lands

- Dark sky preservation
- Water Use and Conservation Plan has been included
- Encourage drought-resistant plantings, no or minimal lawns, and low-flow technologies, to minimize water usage.
- Encourage energy conservation
- Protect air quality

Main Street

- Preserve the charm of Midway, especially along Main Street
- Create community parking, especially in the middle of blocks
- Create good pedestrian access to Main Street to reduce the number of vehicles that require

parking stalls

- Encourage preservation of traditional pastures that have been used for grazing along Main Street, potentially by using open space bond funds
- Develop staggered setbacks, staggered rooflines, building sizes, and fenestration.
- Preserve historic structures
- Work with UDOT to occasionally close a section of Main Street and 200 West for special events.
- Include raised crosswalks that will increase pedestrian safety, especially in front of the Town Square and on 200 West. This area should be developed for walkability and safety so the town core can develop as a community gathering area that will act as a community plaza.
- Work with UDOT to consider parking, park strips, and trees in center of Main Street that will help control speed and will beautify this important business and transportation corridor.
- Create two sections of Main Street, one from 200 West to 300 East that is a walkable Main Street, and the other from 300 East to Hamlet Park that is a “rural” Main Street. Setbacks should be minimal in the walkable area and should increase in the rural area.
 - Possibly align the C-2 and C-3 zones to the same areas listed above.
 - Walkable Main front setbacks should be 0-20 feet
 - Rural Main Street setbacks should be 10-30 feet.

Historic Preservation

- History is more than structures, it includes the rural feel and environment of the community; open ditches, pot rock fences, and county roadways all contribute to the ambiance.
- Reform the Historic Preservation Committee
- Identify tools for preservation
- When reviewing historic structures, the VAC should take special care to preserve the historic character of the building

Park, Trails, and Recreation

- City must make certain that adopted maintenance and standards are followed to ensure parks and trails are beautiful, functional, and safe.
- Pursue appropriate locations for soft-surface trails with an emphasis on equestrian trail opportunities.
- Encourage community involvement for park and trail maintenance

Open Space

- Preserving open space will also enhance Midway’s economics by conserving Midway’s uniqueness and character which will be a contributing factor for future tourism.
- Midway embraces a comprehensive definition of open space.
- Added “agriculture” paragraph for design objectives requiring use of open space tools.
- Added bond paragraph that speaks of open space preservation success and plants the seed for a future bond that might partially focus on small parcel preservation.
- Goal 4: Use all available tools and avenues to help preserve open space.
 - Objective 1: Consider land use laws that will help to preserve open space.
 - Objective 2: Inform and educate the public of existing tax laws, such as greenbelt and urban farming, which reduce property taxes for farming operations.
 - Objective 3: Consider using the Recreation, Arts, Parks (RAP) tax to acquire open

space. A RAP tax is a sales tax which will allow visitors to help contribute to the preservation of open space.

- Objective 4: Work with open space preservation organizations such as Preserve Midway, Summit Land Conservancy, Utah Open Lands etc. to conserve open space in and around Midway.

Possible Findings

- The adoption of the amended General Plan will help the City Council and other recommending bodies when considering legislative actions
- The proposed amendments to the General Plan were made after reviewing and considering hundreds of comments made by members of the community during the charette and from the open-ended questions that were made in the General Plan nonscientific survey
- The proposed amendments to the General Plan were made after reviewing and considering the responses to the questions in the nonscientific survey that was taken by hundreds of members of the community
- The General Plan committees were comprised of a broad array of community members including City Councilmembers, Planning Commissioners, citizens, County governmental staff, and Midway staff
- The proposed General Plan will help Midway to retain a high quality of life by helping guide improvements made to the community and to assure that new growth follows the vision as outlined in the General Plan

Commissioner Comments

There was a long discussion on the idea of considering limits on single-family house size such as height, square footage, and volume limitations.

Straw poll on square footage, and volume limitations:

Travis Nokes states take out the volume limitations and the square footage limitations and let the setback take care of it.

Andy Garland stated to take it out.

Laura Wardle feels that we should not limit the square footage and the volume on the size of a home

Craig Simons states to take out the volume and the square footage limitations.

Andrew Osborne stated, take out the volume and the square footage limitations.

There was a conversation regarding density. Paul Berg stated that we should lower the density and make the developer earn a density increase by giving things such as open space, trails, etc.

There was a conversation about using the “transfer of development rights” type program. Michael Henke stated that it could be a very good tool for Midway.

Parking Garage:

Travis Nokes, Andrew Osborne, Laura Wardle, Andy Garland and Craig Simons wants to remove allow hidden future parking garages.

Take off the Brown Road:

Travis Nokes, Andrew Osborne, Laura Wardle, Andy Garland and Craig Simons wants to remove

allow hidden future parking garages.

Put a future roundabout on Cari Lane and Pine Canyon Road on the Master Road Map.
Travis Nokes, Andrew Osborne, Laura Wardle

Moderate Income Housing:

Take out limit building pads size in PUD and limit housing sizes in the denser zones

Explore allowing external ADUs in Midway:

Travis Nokes, Andrew Osborne, Laura Wardle, Andy Garland and Craig Simons wants to remove exploring external ADUs.

Public Comment Open

None

Public Comment Close

Motion: Commissioner Simons: I make a motion that we recommend to continue the 2023 Midway General Plan which is a revision of the 2017 Midway General Plan and includes chapters on Community Vision, Land Use, Economic Development & Resorts, Transportation, Moderate-Income Housing, Environment & Sensitive Lands, Main Street, Historic Preservation, Parks Trails & Recreation, and Open Space.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Nokes, Osborne, Wardle, Garland and Simons

Nays: None

Motion: Passed

Adjournment

Motion: Commissioner Garland

Second: Commissioner Osborne

9:51 PM

Chairman – Jeff Nicholas

Planning Tech – Melannie Egan