

## **Midway City Planning Commission Work Meeting Minutes October 30, 2018**

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 4:30 p.m., October 30, 2018, at the Midway City Community Center  
160 West Main Street, Midway, Utah

### **Attendance**

Jim Kohler – Chairman  
Kevin Payne- Vice Chairman  
Bill Ream  
Rob Bouwhuis  
Natalie Streeter  
Jeff Nicholas

### **Staff**

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

### **Excused**

Jason Jenkins  
Nancy O'Toole

### **4:30 P.M. Work/Briefing Meeting**

- City Council Liaison Report, no action will be taken and the public is welcome to attend.
- Midway City is proposing a code text amendment of Section 16:15: Recreational Resort Zones. The proposed code amendment would possibly modify when water rights were required for development, require commercial uses for all development, establish permitted and conditional uses, limit density, limit height, and create large-scale and small-scale property development standards.

Michael Henke announced that we were noticing the Planning Commission member vacancies and that we would be seeking applicants until the 20<sup>th</sup> of November. If anyone has any recommendations to please let us know and encourage them to apply. We are seeking two alternates as Rob Bouwhuis has been moved up to a full member, and Kevin Payne was voted in to Vice-Chairman at our last Planning Commission meeting.

### **Current RZ Code**

- A. Encourage recreational activities that rely on natural attributes of the area, respect the sensitive land and water constraints present in the Midway City area, contribute to the community's character and economy, and have had a long-standing, beneficial role in the community;
- B. Provide flexibility for planning and developing recreational resort facilities in a creative, efficient, and coordinated manner to provide quality visitor experiences;
- C. Create a process in which applicants and Midway City collaborate with landowners and citizens in planning and designing resort master plans that meet community goals and respond to the unique circumstances of the resort area;
- D. Ensure that resort plans incorporate a mix of land uses, promote alternative modes of transportation, and provide a pedestrian-oriented community to alleviate traffic-related impacts;

- E. Ensure that resort plans are consistent with the Midway City General Plan, and therefore, are beneficial to the community;
- F. Enable long-range planning for infrastructure, capital facilities, and community land use patterns by establishing a level of predictability in the maximum potential size and character of each resort area;
- G. Produce resort plans that make significant contributions toward protecting attributes of the community that are considered critical to the community's long-term health, welfare, and wellbeing; and
- H. Ensure a balance is maintained between tourism and community that promotes social diversity but does not cause undesired shifts away from rural community character.
- I. Midway City encourages builders, particularly those undertaking large projects such as resorts, to participate in the Leadership in Energy and Environmental Design (LEED) program. Midway City would be pleased to see builders utilize proven "green building practices."

### **Recreation Resort Zones**

- Notice of pending ordinance
  - June 13<sup>th</sup>
  - Any applications submitted during the 6month period will be subject to the new code.

Rob Bouwhuis asked if the pending ordinance change could be extended and Michael Henke stated that yes it could be extended, however it would not be easy. Mayor Johnson stated that it would not be good to delay and would prefer that a recommendation be presented to City Council December 4<sup>th</sup>. Even if it was not perfect, that there could be tweaks, clarifying or language code changes later, but get the major parts established.

### **RZ Code Concerns**

- Define permitted and conditional uses
- Require development uses that create a tax base
- Require proof of water rights at the master plan phase of approval process
- Code that allows development of small RZ parcels
- Height limits
- Density
- Approval process development agreements
- Workforce housing
- Simplify language and approval process

### **Permitted Uses**

- A Land Use Plan. The Recreational Resort Master Plan shall define the land use elements that are proposed for the development. The land uses shall be consistent with both the applicant's design theme, the character objectives of the resort and Midway City's land use ordinances. Permitted uses shall include:

- 1. Residential uses.
- 2. Uses necessary for operation of the resort's primary recreational activities (hot springs, swimming, golf, fishing, hiking, equestrian, etcetera.)
- 3. Nonresidential uses that provide for the basic needs of resort lodging guests and day visitors.
- 4. Special events.
- 5. Other specific uses related to the resort's objectives and character as approved by the City Council.

### **Land Use Plan**

- **20% Commercial**

- Current code does not require commercial development
- Proposed code would require a minimum of 20% commercial development

#### **Comments:**

- There was a question regarding where the 20% commercial area would that be per building or could the commercial be clustered. Michael Henke stated that the language should be clarified better.
  - Use the chart to determine what uses are commercial. They are defined with an astrick.
- **60% of the gross floor area in the Master Plan must be deed-restricted as hotel rooms or nightly rentals.**

#### **Comments:**

- Dr. Fuller stated that the original code had the language about "additional amenities" and that language has been lost, and
- It was a problem with people who rent out their units on the side, that they needed to have a full-time front desk to avoid that type of renting and taking away from the resort.
- Dr Fuller and Steve Eddington agreed to provide current percentages of how much square footage of rental units compared to amenities, so the committee could see the whole picture.
- Steve Eddington stated that some people don't recognize the value of conference space. People come from all over and stay an average of 3 days. The percentage of revenue is higher from conferences than daily rentals. He did not want to over restrict the square footage of a conference facility.
- Maybe limit the uses, such as offices and should be limited into a percentage as opposed to limiting commercial and hotel rooms or nightly rentals.
- Values of homes or condos, they could choose either to put into a rental pool or do they want to come and stay. The amenities offered were the things that bring people in.
- Timeshares do not draw in the people that a resort with amenities do.
- Look at the "purpose and intent", because it is not defined what a resort should look like. A developer needs to know what that should be, add tax-based intent. Should the purpose and intent be taken out of the code because the code and

- the uses clearly state what the uses are. Put the purpose and intent into
- Think of profit, profit for the city and for the developers. Think in terms that the owner can be profitable, creation of value.
- **No more than 10% of the gross floor area in the Master Plan may be residential**

**Comments:**

- There was a question regarding why the 10% may be residential and Michael Henke clarified that it is a great way for a resort to fund the resort up front.
- Residential needs to be defined.

**Simplify language and approval process**

- Current code requires a master plan agreement and development agreement at the master plan phase.
- Proposed code will require a master plan agreement at master plan phase and a development agreement per each phase of development.
- This proposal matches the approval process for all other master plans.

**Water Rights**

- Current code requires that a water calculation at the beginning of the process
- Water is tendered to the city with the recording of the plat of each phase
- **Proposed code** requires that the developer give the city the water right to hold in escrow when the master plan agreement is recorded.
  - Non-consumption use and consumption use run this part through a water right lawyer to make sure all the language is correct so that we don't get into a lawsuit.
  - The letter that we received would give us valuable information, in getting this right.
  - The purpose of this language is to protect the lenders, in an instance that a developer fails, the water stays with the land. The developer would not be able to sell off the water.

**Setbacks for smaller properties**

- Current setback Large parcels are 100' setback 3 to 1 ratio with a minimum of 50' (committee agreed).
- 50 ft for any structure or building no greater than 25 feet height with a 10' height restriction on any architectural element, then 100-150 ft for 35', 150-200 ft for 45', and 200 ft for 55' with 15 feet above the maximum height for any architectural element.
- For long structures a staggered setback is required every 50 feet.

## Height Restrictions

- The standard maximum building height for buildings in Midway is 35 feet. The City Council may, at their discretion, allow greater height in resort developments. If any buildings in a resort are proposed to have heights greater than 35 feet the applicant shall provide the City Council the following documentation to justify the increased height:
- i. A statement of all reasons the structure cannot be built without heights exceeding 35 feet.
- ii. A clear illustration of the impact of building heights over 35 feet on views from public roads and adjacent developed property. This documentation may take the form of a physical model or electronic graphic representations of the site, the buildings and the visual background of mountain and valley views. The model or electronic representation shall specifically compare the proposed site and building configuration with an alternative building configuration that provides the same usable space and meets the thirty-five-foot height and other configuration requirements of this Chapter.
  - Large parcel building height maximum should be no more than 55 feet high with 15 feet above the maximum height for architectural any element. (committee agreed)
  - 4 stories give much more flexibilities as a developer.
  - 4 stories make a resort more viable.

## Items that need to continuing debate, language, etc.

Tie down permitted uses

The percentages of commercial, residential and rentals

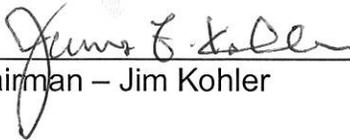
Water rights (Corbin)

Small Parcels in Resort Zone- Michael would email committee after he writes the large parcel with a max of 3 stories.

Workforce housing

One more work meeting- 3 hours maximum

Adjournment at 8:45 pm



Chairman – Jim Kohler



Admin. Assistant – Melannie Egan

