

## Midway City Planning Commission Regular Meeting Minutes March 9, 2021

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., March 9, 2021, at the Midway City Community Center  
160 West Main Street, Midway, Utah

### Attendance

Jeff Nicholas- Chairman  
Andy Garland  
Craig Simons  
Rob Bouwhuis- Vice Chair  
Rich Cliften (Zoom)  
Bill Ream (Zoom)  
Heather Whitney  
Rich Cliften

### Staff

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

### Excused

Jon McKeon

### 6:00 P.M. Regular Meeting

#### Call to Order

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

#### Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of February 9, 2021.

**Motion:** Commissioner Garland: I make a motion that we recommend approval of the minutes for February 9, 2021 with the changes that were given to Melannie Egan.

**Seconded:** Commissioner Simons

**Chairman Nicholas:** Any discussion on the motion?

There were some clarifications added to the motion

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, Cliften, Whitney, Garland, Bouwhuis and Simons

**Nays:** None

**Motion:** Passed

## **Item 2:**

Dan Luster, agent for Midway Heritage Development LLC, is proposing master plan approval for The Village. The proposed plan is a mixed-use development and a planned unit development. The proposal includes 28,170 square feet of commercial space in multiple buildings, 157 townhomes, 25 cottages homes, park, trails, clubhouse, and pool to be developed in six phases. The master plan is on 27.47 acres and contains 9.7 acres of open space. The property located at 541 East Main is in the C-2, R-1-11, and R-1-22 zones.

### **Planner Henke gave a presentation**

#### **Land Use Summary**

- 27.47 acres
- C-2, R-1-11, & R-1-22 zones
- 29,230 square feet of commercial space
- 151 townhomes
- 25 cottages homes
- Sensitive lands
  - Slopes 25% and greater

#### **Master Plan Requirements**

- General feasibility
- Water rights
  - Held in escrow by the City before the master plan agreement is recorded
- Roads/traffic circulation
- Sensitive lands protection
- Open space

#### **Waterboard Recommendation**

- The Midway Water Advisory Board has recommended that 192.16-acre feet must be submitted to the City and held in escrow before the recording of the master plan agreement.
  - The required water will be tendered to the City, per phase, before the recording of each plat.

#### **Discussion Items**

- Roads and traffic circulation
  - Phase 1 dedication of 670 East
  - Public roads except for phase 6
- Traffic study
  - Possible off-site improvements

- Possible third access
- Alley access
  - Snow removal
  - Trash removal
- Main Street improvements
- Public Participation Meeting
  - March 4, 2021
- Trails- Would like to have a non-paved trail on the north end that would meet up with the existing road on Memorial Hill.
- Architectural Theme
- Parking
- Density
  - C-2 zone
    - 13.29 acres
    - 151 units
  - R-1-11
    - 5.77 acres
    - 17 units
  - R-1-22
    - 7.64 acres
    - 8 units
- Required commercial square feet
  - More information has been provided since the writing of the staff report
  - Commercial includes 3 floors
    - 87,000 square feet (20%)
  - Residential includes all the square feet in the structure
    - 350,000 square feet (80%)
- Phases 3, 4, and 5 cannot be recorded until the correct ratio of commercial has been built to allow for the residential to be approved.
- Setbacks
- Height of structures
- Transient Rental Overlay Zone (TROD)
- All phases are required to be part of one Property Owners Association (POA)
- Water table
- Ability to build basements and lower-level parking
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### **Possible Findings**

- The proposal will benefit the City financially by creating a greater tax base.
- The proposal may help the City better comply with State requirements regarding the

ability to collect resort tax depending on the number of units that are rented on a short-term basis.

- A snow and garbage removal plan must be developed and approved.
- Without information about how many bedrooms are planned for each unit, required parking cannot be calculated for the project.

**Proposed Conditions**

- Open space is dedicated as part of phase 3 to comply with PUD open space requirements.
- More information must be provided to better analyze the required parking.
- Four more visitor parking stalls must be provided in the PUD.
- 20% of the gross square footage must be commercial.
- The property under 670 East is owned by Chad Thacker and that area is part of the CTM subdivision plat. The City needs documentation that the road will either be developed as a private road with the appropriate easement or that the property will be dedicated to the City so that it will be a public road.

**Mixed Use Zone: Commercial vs. Residential Ratios**

<b>Residential</b>		<b>Units/SF</b>	<b>% of total</b>	<b>Notes</b>
	Number of Residential Buildings in C2	125		2 Garaged spaces per unit, 4 garaged spaces for dual occupancy buildings
	Living Space per Building	2,000		Average, excluding garage space
	Garage space per Building	801.6		Average. Garage space, 600sf per single occupancy building, 1200sf per dual occupancy building
	Total Residential Space	350,200	<b>80.0%</b>	Total residential living and garage space in the mixed use zone
<b>Commercial</b>		<b>SF</b>	<b>% of total</b>	<b>Notes</b>
	First Floor Commercial Space	29,170		As per current plan
	2nd Floor	29,170		Basement, or 3rd floor will be required on purchase contract
	Basement/Floor 3	29,170		Assumed in all buildings
	Total	87,510	<b>20.0%</b>	Total commercial space in the mixed use zone
<b>Grand Total</b>	Total Structural Space	437,710	100.00%	Total residential and commercial space in mixed use zone

**Mixed Use Zone: Parking Requirements**

	<u>Maximum</u>	<u>% Accessible</u>	<u>Required</u>
First Floor Commercial Space	116.68	70%	81.7
2 <sup>nd</sup> Floor	116.68	50%	58.3
Basement	116.68	0%	0

Storage will not be Available to the public

## Dan Luster gave a presentation.

### Plan Overview

#### Vision

- Historic Architecture
- Focus on walkability
- HOA managed gardens and yards
- Most parking is underground garaged
- Commercial primarily restaurants, arts and health

#### Numbers

- 140 residential buildings (40 dual occupancy)
- 20% required commercial
- Public streets in residential zone

#### Demographics

- \$550k - \$1M price range
- 1,800 – 4,000 square feet
- 4 car garage per unit
- 50% second homes
- Nightly rentable section near main
- Light commercial on first floor near main
- High-end double lots for “mansion house”
- Low-end family of 1<sup>st</sup> floor, renting 2<sup>nd</sup>

#### Amenities

- Walkable, connection to Memorial Hill (tbd)
- Swim/racket club, Midway Residents can join (tbd)
- Restaurants and galleries (tbd)
- 10 acres of open space

#### Residential Vision

- Historic forms, rooflines, chimneys
- Quality materials, stone/plaster
- Walkable/bike-able
- “Smart growth” infill, not sprawl
- Gardens in front, cars in garage
- Clustering units in two to three buildings for scale

### **Commissioners and Staff Comment**

Michael Henke explained the tax benefits to the city of having some of the units in the TROD Overlay rented on a short-term basis. Any unit that desires to be rented would be required follow the proper procedures and have a business license with the city. The city would like to get a blanket agreement that the TROD ability always remain. However, an HOA could restrict that in

the future, but the city would do all they could to protect the right to have short term rentals.

There was a discussion regarding the parking in the basements of the town homes in the commercial zone and the code does allow that garage/storage area can count towards the 20 percent required commercial area. There are no requirements that a percentage of the commercial buildings need to be dedicated to retail type businesses.

There was a discussion about the mixed use and the 20 percent required commercial buildings.

Paul Burg gave a presentation on the project and explained the reasoning for having the open space in the back, instead of the front.

Paul explained that the developer likes the idea of the back country trail and will work with Wasatch County for the trailhead parking.

Paul Burg explained that the density is about half of what it could be.

Paul also explained that they have already met with UDOT and on board with the improvements needed.

There was a discussion on the water rights and what is required. Paul stated that they do have about 130 of the 197 needed. He stated that Dan Luster is hunting for more water. Wes Johnson stated that he was comfortable about any change applications on water.

There was a discussion about the public participation meeting was received. Dan Luster stated that he will provide a report on the meeting results that will include the concerns and the positives. He did talk about some of the issues that were brought up, such as lights, traffic, walls to give separation and the possible idea to cluster more in the middle, which would not be possible.

Dan Luster showed pictures of what the residential design would look like. He explained that European architecture would be used with gardens in front. The commercial would encompass two to three table restaurants near main street which encourages work/living environment. This concept is called Mixed use Transitional, and Dan is looking at this as a possibility and an interesting idea, therefore they are exploring this.

The gardens in front of the townhomes will be managed, approved and maintained by the HOA. Which means that the garden areas will not be filled with corn stocks, but with beautiful flowers and grasses.

Air conditioner units in the back and any utility boxes will be hidden in tall grasses.

He showed the commercial building concepts. His vision is combining farm merged with luxury. They will control the architecture but will not actually be building the units. Rob stated that he didn't think that the design accomplishes the vision in his presentation. Dan stated that it will be completely difficult to create it perfectly. He is not wanting to have insurance agencies and business like that, he is talking to possible fitness centers, physical therapy, spa type businesses, restaurants with outdoor dining.

Jeff opened the meeting to public hearing.

Ines Wilde stated that she has provided a letter to the commissioners and staff with her concerns. She stated that she hopes that the concerns are addressed but stated that some of her issues may be resolved with some of the conversations with Dan Luster.

Stu Waldrup at 817 Double Drive stated that he has been working with Dan Luster for years. He gave some ideas on how he believes that another plan exists with open space in the front with a park like atmosphere along Main Street, move the commercial back with that European. He supports Dan Lusters plan and wants it to be approved, get the kinks out and then with help of the Council, to modify the plan to have a more appealing plan. Heather Whitney stated that she would like to see the other plan at the same time. Michael stated that the plan that is presented is an administrative act and the idea to change possible code and zone changes that would be a legislative act. Stu stated that he has signatures of the neighbors that would be in support of those types of changes. The Midway Arts Center is in support of changes. Zermatt and the Homestead is in support of his idea. Craig Simons stated that he felt that this was a bait and switch and did not understand why this idea is being brought at this time. Jeff Nicholas gave some background about what was proposed years ago.

Dan Luster stated that his project is following code and spending millions of dollars on an idea that may not ever happen. He is following code and as a developer he needs to do what he can within the code. He cannot chase something that doesn't exist, he can only work with the code.

Lona Neilson at 60 N River Road, stated that she hopes the council would not approve anything until you do due diligence.

Close public hearing.

There was a discussion on the things that needed to be addressed on the plan. The commissioners stated some of the items that needed to be addressed, such as green space, parking, water table, trail, trash. Michael stated that the developer and staff are planning to work together to get these questions answered.

**Motion:** Commissioner Bouwhuis: I make a motion that we recommend that we continue the review of the master plan for The Village. The proposed plan is a mixed-use development and a planned unit development. The proposal includes 28,170 square feet of commercial space in multiple buildings, 157 townhomes, 25 cottages homes, park, trails, clubhouse, and pool to be developed in six phases. The master plan is on 27.47 acres and contains 9.7 acres of open space. The property located at 541 East Main is in the C-2, R-1-11, and R-1-22 zones. We accept staff findings in the report. The reason for the continuance is that there are several issues that are code related that need to be resolved and addressed. Also, to have the applicant look into and consider some of other items that have been discussed. We would accept the staff findings in the report, and will have it come back to the Planning Commission when the staff and the developer feel it is ready.

**Seconded:** Commissioner Simons

**Chairman Nicholas:** Any discussion on the motion?

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, Cliften, Whitney, Garland, Bouwhuis and Simons

**Nays:** None

**Motion:** Passed

### **Item 3:**

Summit Engineering, agent for Bow Hunting Skills LLC, is requesting preliminary approval of a large-scale subdivision that will be known as the Rising Ranch Subdivision. The proposal is to create eight lots on 6.35 acres. The property is located at 425 Homestead Drive and is in the R-1-22 zone and the Transient Rental Overlay District.

**Planner Robinson gave a presentation.**

### **Land Use Summary**

- 6.6 acres
- R-1-22
- 7 lots
  - Potentially 8 lots

### **Waterboard Recommendations**

- 6.35-acre parcel
  - Area of parcel
    - 276,606 sq. ft.
  - Irrigated area
    - Lots – 233,515 sq. ft. (5.36 acres)
    - Open Space – 43,491 sq. ft. (1 acre)
  - Impervious area for lots
    - 64,000 sq. ft. (8 x 8,000) (1.47 acres)
  - Total irrigated acreage
    - 4.89 acres x 3 = 14.67-acre feet
- 6 culinary connections (2 existing connections)
  - 4.8-acre feet (6 x .8)
- 19.47-acre feet requirement

### **Possible Findings**

- The proposal does meet the intent of the General Plan for the R-1-22 zone
- The proposal does comply with the land use requirements of the R-1-22 zone
- A public trail will be built as part of the subdivision that will benefit members of the community
- 0.99 acres of open space will be created as part of the development

### **Proposed Conditions**

- Must provide a will serve from Midway Irrigation before applying for final approval.
- Must provide approval from UDOT for the driveway entrances off Homestead Drive before being considered for preliminary approval by the City Council.

- Include plat note that limits access to lot 3 from Swiss Alpine Road.
- Funds to build the 5' bike lane along Homestead Drive adjacent to this project are added to the general trails fund and will be used when the bike lane is completed in the future as part of a larger improvement project.
- The plat and development agreement must clearly state that parcel 8 is not currently considered a building lot and what needs to occur for the parcel to become buildable. This will include at a minimum the need to amend the plat, obtain a minimum of 115' frontage along a road built to city standards, lot improvements that include a sewer connection, culinary water connection, irrigation connection, adequate access to a fire hydrant, etc.
- Before proceeding to the City Council, the applicant must submit a plan for the open space and demonstrate how access to the open space parcel will be handled.

### **Commissioners and Staff Comment**

There was a question that if the agriculture went away what would happen to the space. Would it just become a weed patch? Michael Henke stated that they will have the water and irrigation and will have to follow a landscape plan if they decide to not do agriculture on the open space.

Heather Whitney asked about the TROD and a way to keep the resort tax. Michael Henke stated that as a city, there is no way to make the homeowners be in a forced rental property, but the homeowner supports the TROD and overnight rentals.

There was a discussion about the width of the trail. Wes stated that they look at the properties individually and look at the room they can work with, determines the width of the easement and the possibility of meandering. Sam Castor stated that the reason he wanted the 10 foot is more for practically of a meandering trail vs a straight trail. He stated that when he walks a trail, he just likes to get from point A to B. Also, they took into consideration the 30-foot setback on Swiss Alpine Drive. But he would investigate other ideas.

**Motion:** Commissioner Simons: I make a motion that we recommend preliminary approval and of a large-scale subdivision that will be known as the Rising Ranch Subdivision. The proposal is to create eight lots on 6.35 acres. The property is located at 425 Homestead Drive and is in the R-1-22 zone and the Transient Rental Overlay District. We accept the findings listed the staff report and conditions listed in the staff report.

**Seconded:** Commissioner Garland

**Chairman Nicholas:** Any discussion on the motion?

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Cliften, Whitney, Garland, Bouwhuis and Simons

**Nays:** None

**Abstained:** Ream

**Motion:** Passed

### **Item 4:**

Mike Johnston of Summit Engineering, agent for George Hansen, is requesting preliminary/final approval of a Rural Preservation Subdivision to be known as South Farm. The property is six

acres and located at 344 W 500 South and zoned RA-1-43.

### **Planner Robinson gave a presentation.**

#### **Land Use Summary**

- 6.0-acre parcel
- R-1-43 zoning
- Proposal contains one lot
- Private driveway
- The lot will connect to Midway City's culinary water line, Midway Irrigation Company's secondary water line and an onsite septic system as approved by the Wasatch County Health Department

#### **Waterboard Recommendation**

- 6-acre parcel (261,360 sq. ft.)
  - Impervious area for lots
    - 0.18 acres (8,000 sq. ft.)
  - Irrigated acreage
    - 5.82 acres x 3 = 17.46-acre feet
    - 1 culinary connection
  - 0.8-acre feet
  - 18.26 acre feet requirement

#### **Possible Findings**

- The proposed lot meets the minimum requirements for the R-1-43 zoning district
- The proposal does meet the intent of the General Plan for the R-1-43 zoning district
- The proposal does comply with the requirements for the Rural Preservation Subdivision code
- The subdivision helps comply with the vision stated in the General Plan to preserve open space and a rural atmosphere
- The lot will be deed restricted so it can never be further subdivided

#### **Recommended Condition**

- The deed restriction that will be recorded towards the lot must be submitted to the City for review and recorded immediately after the plat is recorded.
- A note on the plat is included with language that clearly states that subdividing the lot is prohibited.
- 18.26-acre feet of water is tendered to the City before the plat is recorded.
- A fire hydrant will need to be located within 500' of the future dwelling.
- The applicant needs to work out a shared driveway easement with the Bonners or their driveway will need to be moved to meet the 150' driveway separation requirement.
- Before being placed on the City Council Agenda, the applicant will need to work out a shared driveway easement with the Bonners or their driveway will need to be moved to

meet the 150' driveway separation requirement.

- Before being placed on the City Council Agenda, the applicant will need to either include the remnant piece in this proposal, absorb into an adjacent parcel, or submit application for a one lot subdivision which would be heard on the same CC agenda as this proposal.

### **Commissioners and Staff Comment**

There was a discussion regarding the deed restriction and how that works. A deed restriction is very difficult to undo.

George Hansen Get his address...asked about the water board adjusting the water because of the larger width of the driveway. Michael clarified that he will have to go back to the water board for adjustments.

**Motion:** Commissioner Whitney: I make a motion that we recommend preliminary/final approval of a Rural Preservation Subdivision to be known as South Farm. The property is six acres and located at 344 W 500 South and zoned RA-1-43. We approve the staff report and the conditions listed, the fire hydrant of 500 feet condition added to the slide in the presentation and the condition related to the remnant piece in the proposal.

**Seconded:** Commissioner Bouwhuis

**Chairman Nicholas:** Any discussion on the motion?

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Cliften, Whitney, Garland, Bouwhuis and Simons

**Nays:**

**Abstained:** Ream

**Motion: Passed**

Adjournment

**Motion:** Commission Simons

**Second:** Commissioner Garland

9:25 pm

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Chairman – Jeff Nicholas

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Admin. Assistant – Melannie Egan