

## Midway City Planning Commission Regular Meeting Minutes February 8, 2022

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., February 8, 2022, at the Midway City Community Center 160 West Main Street, Midway, Utah

### Attendance

Jeff Nicholas- Chairman  
Craig Simons  
Andy Garland  
Laura Wardle  
Bill Ream (Zoom)

### Staff

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

### Excused

Rob Bouwhuis- Vice Chair

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

#### Call to Order

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

#### Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of January 11, 2022.

**Motion:** Commissioner Garland: I make a motion that we recommend approval of the minutes for January 11, 2021.

**Seconded:** Commissioner Simons

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

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Wardle, Garland, Simons and Ream

**Nays:** None

**Motion:** Passed

**Item 2:**

Dan Luster, agent for Midway Heritage Development LLC, is proposing Preliminary Approval and a Conditional Use Permit for Phases 1-3 for The Village. The Village is a mixed-use development that contains both commercial and residential uses including commercial space in seven buildings, 143 dwellings, park, private streets with a public access easement, and private trails with a public access easement, to be developed in five phases. The master plan is on 27.47 acres and contains 8.81 acres of open space. The property located at 541 East Main is in the C-2 zone.

**Planner Henke gave a presentation**

**Land Use Summary**

- 18.89 acres (24.47 total acres)
- Property Conditionally Rezoned to C-2
- 88 Residential Units (143 total)
- Square Footage:
  - Pad Area Square Footage
    - Commercial – 48,592 SF (37%)
    - Residential – 81,401 SF (63%)
  - Gross Square Footage
    - Commercial – 83,184 SF (26%)
    - Residential – 242,731 SF (74%)
    - Garages – 79,909 SF
- Sensitive Lands
  - Slopes 25% and greater

**Discussion Items**

- Water rights
  - Phase 1: 32.44 acre-feet
  - Phase 2: 38.57 acre-feet
  - Phase 3: 41.18 acre-feet
  - Phase 4: 37.37 acre-feet
  - Phase 5: 17.04 acre-feet
  - Total: 166.6 acre-feet
    - Commercial uses may require more water rights than what will be dedicated
- Roads & traffic circulation
  - Temporary connector access
- Traffic study
- Alley access
- Main Street Improvements
- Density
  - Phase 1: 10 units (4 commercial buildings)
  - Phase 2: 35 units (3 commercial buildings)

- Phase 3: 43 units
- Phase 4: 40 units
- Phase 5: 15 units
- Total: 143 units
- Trails
  - Private trails with a public access easement
- Parking - phases 1-3
  - 189 commercial stalls
  - 203 residential stalls
  - 27 temporary stalls will need to be provided to meet the requirements for phases 1-3
  - Commercial buildings will have assigned stalls that will be noted on the plat. If a use requires more stalls than what is provided, the use will not be allowed until the required stalls are provided.
- Architectural theme
- Required commercial square feet
  - The mixed-use code requires 20% of the gross square footage of all structures (except residential garages) is commercial
  - Based on the submitted plans, 44,128 square feet of commercial space will be built
  - Open space
  - 8.81 acres provided
  - 8.32 acres required
  - Maximum height of structures is 35' except for specific architectural features
- Property owners' association
  - All five phases of, including both residential and commercial, will be under one POA
- Geotechnical reports
- Mailbox locations
- Transient Rental Overlay District
- Commercial area landscaping
  - More detailed landscaping plan required for final approval
  - Bond will include all landscaping shown on the plans
  - Commercial building sites must be either kept in agricultural production until constructed or, once those areas are developed, the commercial pads and surrounding area, are landscaped until the structures are built
- Residential area landscaping
  - More detailed landscaping plan required for final approval
  - Bond will include all landscaping shown on the plans
- Lighting plan
  - Streetlights
  - Parking area lights
  - Commercial building lights
  - Residential building lights
- Automotive shop property
- Traffic signal at Main Street & River Road
  - Traffic signal must be installed before the plat for phase 3 is recorded

- Midway Irrigation Company Ditch
- Entry planter islands
- Private street profiles

**Water Board Recommendation**

The Water Advisory Board as approved an estimated 166.6 acre-feet will need to be held by the city in escrow before the master plan agreement can be recorded.

Phase 1:	32.44 acre-feet
Phase 2:	38.57 acre-feet
Phase 3:	41.18 acre-feet
Phase 4:	37.37 acre-feet
Phase 5:	17.04 acre-feet
<u>Total:</u>	<u>166.6 acre-feet</u>

**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.
- The developer has provided a parking stall plan that does comply with residential code requirements.
- The proposal does appear to comply with the requirement of 20% commercial square feet required by the mixed-use code

**Proposed Conditions**

1. The automotive shop must be purchased before the proposal is heard by the City Council.
2. An updated landscaping plan must be submitted to address all nuisance related issues.
3. A will-serve letter must be submitted from Wasatch County Solid Waste to assure the proposed garbage container locations are serviceable.

**Commissioners and Staff Comment**

There was a short discussion regarding the water for phases 4 and 5 and could they be used for phase 1 and 2 if a water intensive commercial business come in and would they be able to slot the water from 4 and 5 to 1 and 2? Michael Henke stated that they want the commercial business to submit the needed water rights to the city instead of the developer, so phases 4 and 5 would not end up not having the water needed to develop in the future.

There was a short discussion regarding the rules and licensing regarding Transient Rentals and the Overlay District. Only the units that are 100% in the TROD will be allowed to have short term rental. It could be possible that in the future the overlay may be moved to the entire development or even gerrymander it to include some of the units that are attached or inside the road loops. to be included in the overlay. There are many positives to having some or all

units in the TROD as it affects our tax benefits associated with short term rentals and the resort tax.

The traffic light must be in before phase 3 can be recorded. There was clarification on the light and the center left hand turn lane. The road will be widened to create that center turn lane. There will also be a sidewalk and bike lane. The developer has had meetings with UDOT regarding the plans and they are moving forward. The agreement will take some time to get the final from UDOT.

Dan Luster talked about the new cross sections and the parking on the road. He stated that it was a suggestion from the city and Dan stated that he liked it so much, is going to incorporate it into the plan. It goes great with the landscaping, and it really softens the road views. Dan Luster explained that he still wants to do the underground parking garages, however it not determined if that could be feasible at this time. If it is found that they can go underground in the future, they will follow all processes with the city and other entities to make it so. He believes that that would be the ideal for the look and feel of the development. Dan is doing everything to make this work but must have a contingent plan and be compliant now.

There was clarification regarding the temporary access and possibly keep it in the future. Dan Luster stated that he did not want it to stay. The only way it could stay if it was created with pavers and vegetation and it could possibly remain for emergency services and or a trail, but if it doesn't look like grass or part of the open space, it will be gone.

Dan Luster explained some of the small changes made to the plan and he stated that the road cross sections that the city suggested would be the biggest change to the plan and it would be a better plan.

Paul Berg stated that the snow storage and snow removal will be managed by the POA and will be stored in planned areas in the open space and will be moved by front loaders and dump trucks. It will limit some of the landscape, but there could be trees, but there will be areas available to dedicate to the snow storage.

Paul Berg talked about where the dumpsters will be placed. They will be inside an enclosure and will be placed in the areas where it will be easy for the garbage truck to back up and have easy access. They are working with the sanitation company to finalize the areas where the dumpsters will be placed.

Jeff Nicholas asked the public that were at the meeting if they had anything to say. And they stated that they did not as they already said what they needed to throughout the process.

Ines Wilde at 473 West Main asked Paul Berg to clarify the widening of the road and how it affects her home. Paul Berg did.

**Motion:** Commissioner Simons: I make a motion that we recommend approval of the Preliminary Approval and a Conditional Use Permit for Phases 1-3 for The Village. The Village is a mixed-use development that contains both commercial and residential uses including

commercial space in seven buildings, 143 dwellings, park, private streets with a public access easement, and private trails with a public access easement, to be developed in five phases. The master plan is on 27.47 acres and contains 8.81 acres of open space. The property located at 541 East Main is in the C-2 zone. We accept the staff findings and all three conditions listed in the staff report. And we make the recommendation that realignment of the Transient Rental Overlay Zone as described to bring in the ones on the left, the center and to take out the ones on the right where it dips down to the parking. And add landscaping to block the view of the garage doors along the open space if the underground does not materialize.

**Seconded:** Commissioner Wardle

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

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Wardle, Garland, Simons and Ream.

**Nays:** None

**Motion:** Passed


There was a short discussion regarding the General Plan meetings, committees and what is next.

Adjournment

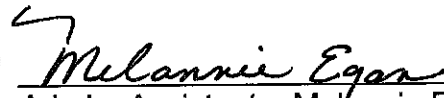
**Motion:** Commissioner Simons

**Second:** Commissioner Garland

7:55 pm



Chairman – Jeff Nicholas



Admin. Assistant – Melannie Egan