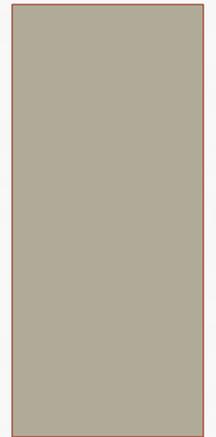


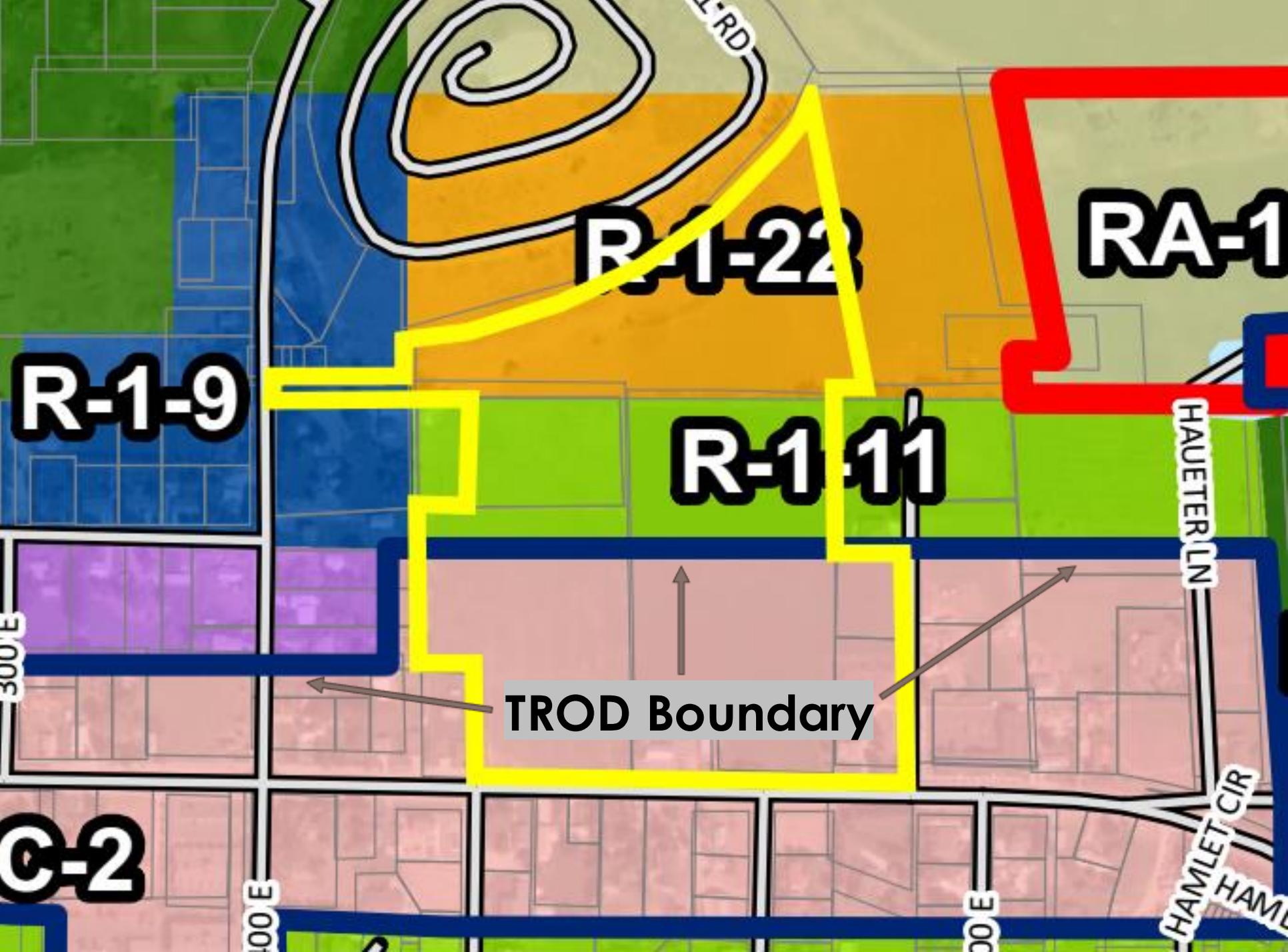
THE VILLAGE AT MIDWAY

TRANSITIONAL USE DETERMINATION
DEVELOPMENT AGREEMENTS



TRANSITIONAL USE DETERMINATION

- Request that uses in the Transient Rental Overlay District (TROD) extend to more units in The Villages
- TROD allows for short-term rentals from 2-30 days
- If approved, exhibits in the Master Plan Agreement and in the Development Agreements for Phases 1 & 2 must be replaced
- Currently 57 units may apply for CUP approval for short-term rental
- If approved, 16 more units will be allowed to apply for CUP approval for short-term rental



RA-1

R-1-22

R-1-11

R-1-9

C-2

TROD Boundary

HAUETER LN

HAMLET CIR

300 E

1000 E

1000 E

LE RD

HAMLET

Transient Overlay: Existing TRD Line



Lots in the TRD Zone (Nightly Rentable)

- Unit 1
- Unit 2
- Unit 3
- Unit 4
- Unit 5
- Unit 6
- Unit 7
- Unit 8
- Unit 9
- Unit 10
- Unit 11
- Unit 15
- Unit 16
- Unit 17
- Unit 18
- Unit 19
- Unit 20
- Unit 21
- Unit 22
- Unit 23
- Unit 24
- Unit 25
- Unit 26
- Unit 27
- Unit 28
- Unit 29
- Unit 30
- Unit 31
- Unit 32
- Unit 33
- Unit 34
- Unit 35
- Unit 36
- Unit 37
- Unit 38
- Unit 39
- Unit 40
- Unit 41
- Unit 42
- Unit 43
- Unit 44
- Unit 45
- Unit 101
- Unit 130
- Unit 131
- Unit 132
- Unit 133
- Unit 134
- Unit 135
- Unit 136
- Unit 137
- Unit 138
- Unit 139
- Unit 140
- Unit 141
- Unit 142
- Unit 143

- TRD Line
- TRD Zone

Transient Overlay: Proposed Change (Planning Rec.)



Lots in the TRD Zone (Nightly Rentable)

Unit 1	Unit 33	Unit 12
Unit 2	Unit 34	Unit 13
Unit 3	Unit 35	Unit 14
Unit 4	Unit 36	Unit 46
Unit 5	Unit 37	Unit 47
Unit 6	Unit 38	Unit 48
Unit 7	Unit 39	Unit 49
Unit 8	Unit 40	Unit 50
Unit 9	Unit 41	Unit 99
Unit 10	Unit 42	Unit 100
Unit 11	Unit 43	Unit 102
Unit 15	Unit 44	Unit 125
Unit 16	Unit 45	Unit 126
Unit 17	Unit 101	Unit 127
Unit 18	Unit 130	Unit 128
Unit 19	Unit 131	Unit 129
Unit 20	Unit 132	
Unit 21	Unit 133	
Unit 22	Unit 134	
Unit 23	Unit 135	
Unit 24	Unit 136	
Unit 25	Unit 137	
Unit 26	Unit 138	
Unit 27	Unit 139	
Unit 28	Unit 140	
Unit 29	Unit 141	
Unit 30	Unit 142	
Unit 31	Unit 143	
Unit 32		

- TRD Line
- TRD Zone
- Proposed TRD

Proposed TRD:

- Simple
- Follows Roads
- Shared Parking
- Within 100ft
- More Units

TRANSITIONAL USE DETERMINATION

- Section 16.13.30
 - Uses which are permitted on either portion of a lot which lot is divided by a zone boundary line or which is coterminous with a zone boundary line may be permitted to extend to the entire lot, but not more than 100 feet beyond the boundary line of such zone in which such use is permitted. Before a permit for such a use may be granted, however, the City Council must find that the General Plan of zoning will be maintained and that a more harmonious mixing of uses will be achieved thereby.

TRANSITIONAL USE DETERMINATION

- Before the City Council can extend the TROD uses by up to 100', the City Council must find the following:
 1. The General Plan of zoning will be maintained.
 2. That a more harmonious mixing of uses will be achieved thereby.

TRANSITIONAL USE DETERMINATION

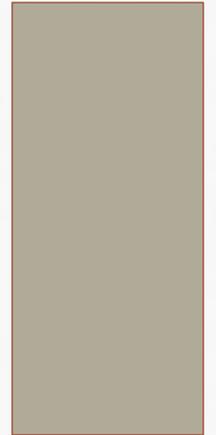
- Benefits
 - Transient rental tax
 - Resort tax
 - Residual taxes
 - Helps local economy
 - Revenue source for owners
- Drawbacks
 - Added competition for resorts and other short-term rentals
 - Can be disruptive to the neighborhood
 - Nearest neighbors are hundreds of feet away
 - In some cases, short-term rentals reduce the availability of moderate-income housing
 - The units in The Village won't qualify as moderate-income housing

POSSIBLE FINDINGS

- The General Plan of zoning will be maintained
- A more harmonious mixing of uses will be achieved
- The property is dissected by the TROD
- Short-term rentals positively impact Midway in terms of transient rental taxes, residual tax impacts such as sales tax, local economy, and the ability to qualify to collect the resort tax
- It appears there will be a minimal, if any, impact on the existing neighbors

THE VILLAGE BELOW GRADE GARAGES

DAN LUSTER



BELOW GRADE GARAGES

- Proposal to build below grade garages
- Per the approved master plan agreement, the developer may petition the City Council for the ability to build below grade garages for the residential units
- Staff has concerns about below grade parking because of the initial geotechnical report on the property that was submitted to the City
 - In the report, two of the test pits encountered ground water at a relatively shallow depth
 - If the water table were to rise and floods the garages, then parking becomes a major issue

PLAN TO ADDRESS ISSUES

- The developer would hire CMT Engineering, the firm that created the first reports, to study the issue further.
- Midway would hire (paid for by the developer) Loughlin Water Associates, LLC to review the multiple reports produced by CMT Engineering that were submitted by the developer and would include their findings and recommendations.
- A French drain system and pumps would be installed around buildings with subgrade garages to pump the water to a Midway Irrigation Company Ditch that crosses the property.

REASONS WHY DEVELOPER WOULD LIKE BELOW GRADE PARKING

- The residences will have more living area on the ground floor which will make them more livable and more marketable.
- The buildings will be better designed which will greatly impact the streetscape and the overall character of the neighborhood.
- The value of the units will be greater.

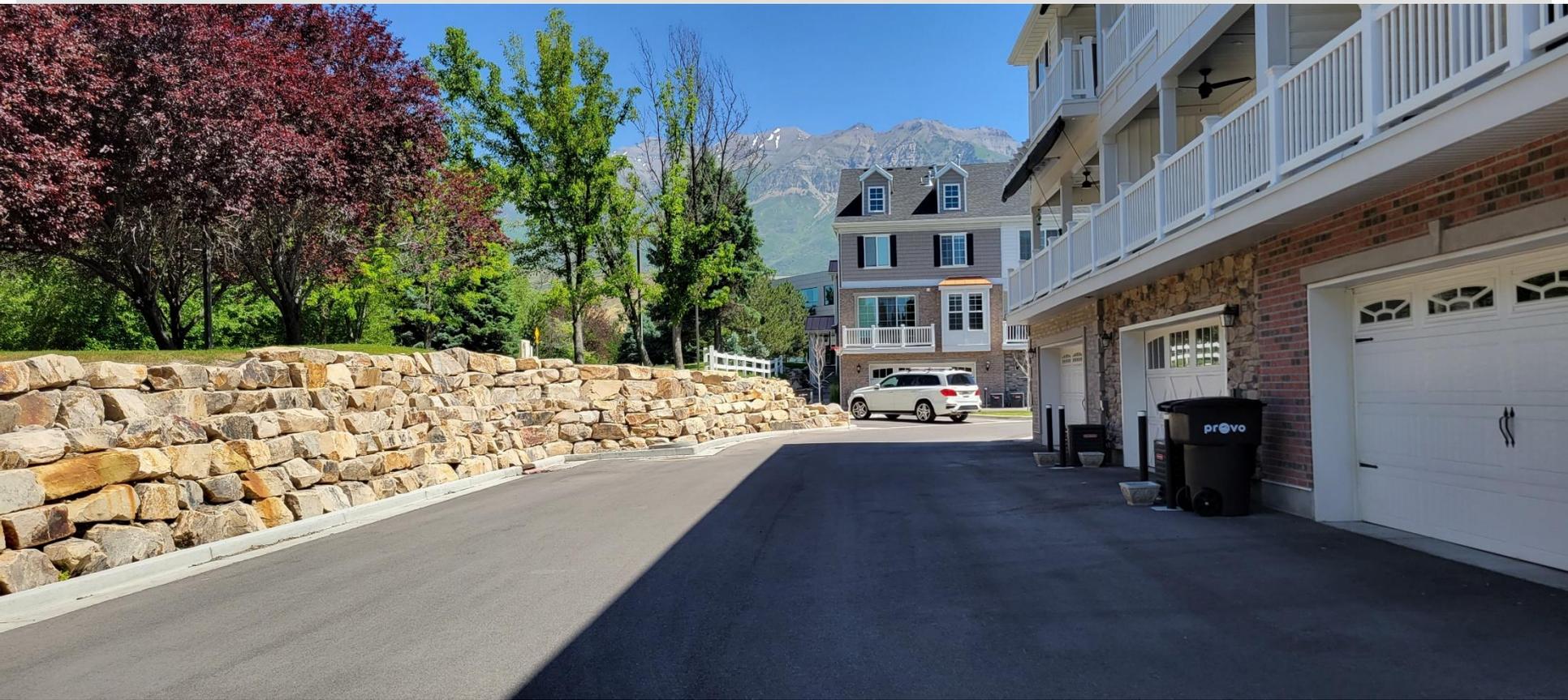
REASONS WHY DEVELOPER WOULD LIKE BELOW GRADE PARKING

- The buildings will be better designed which will greatly impact the streetscape and the overall character of the neighborhood.
- There will be more garage area for parking and storage which will help make it possible that surface street parking will be minimal.

RIVERWOODS, PROVO



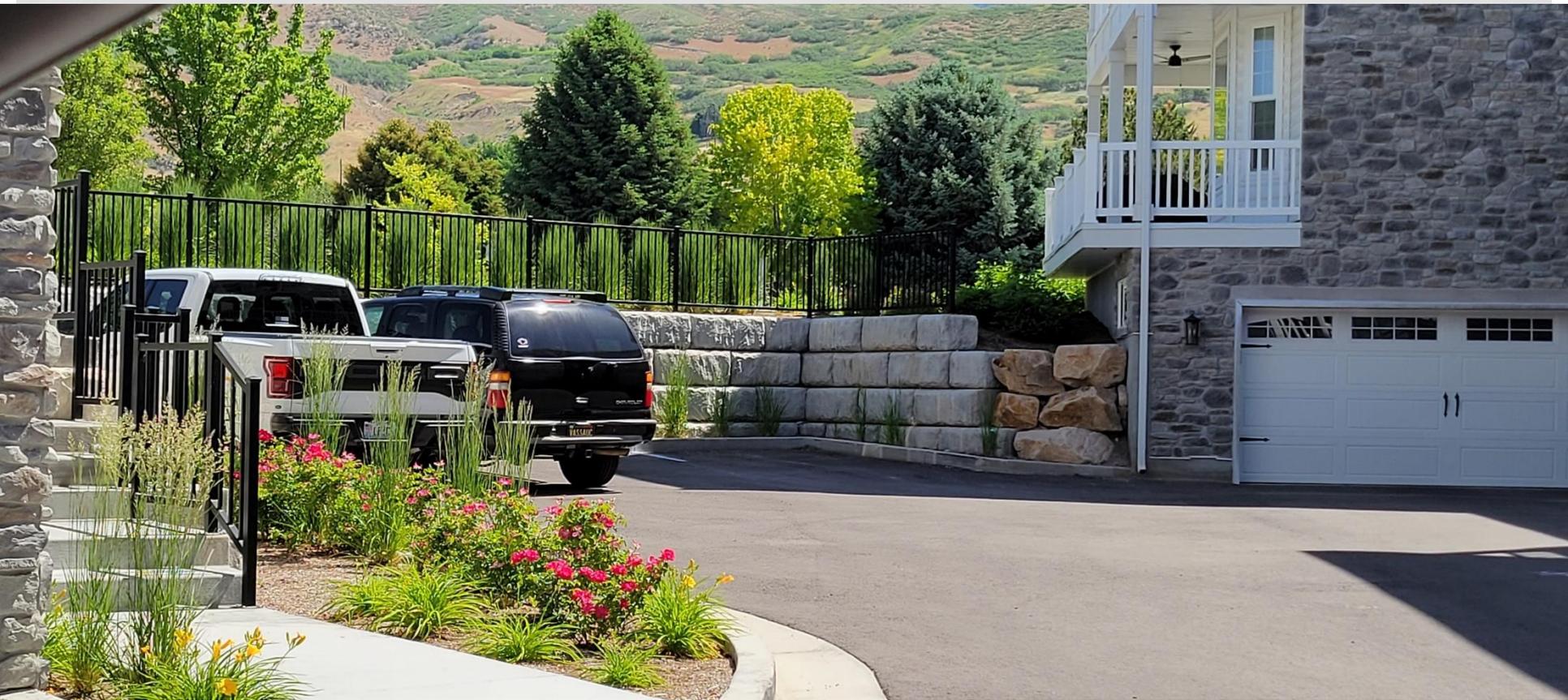
RIVERWOODS



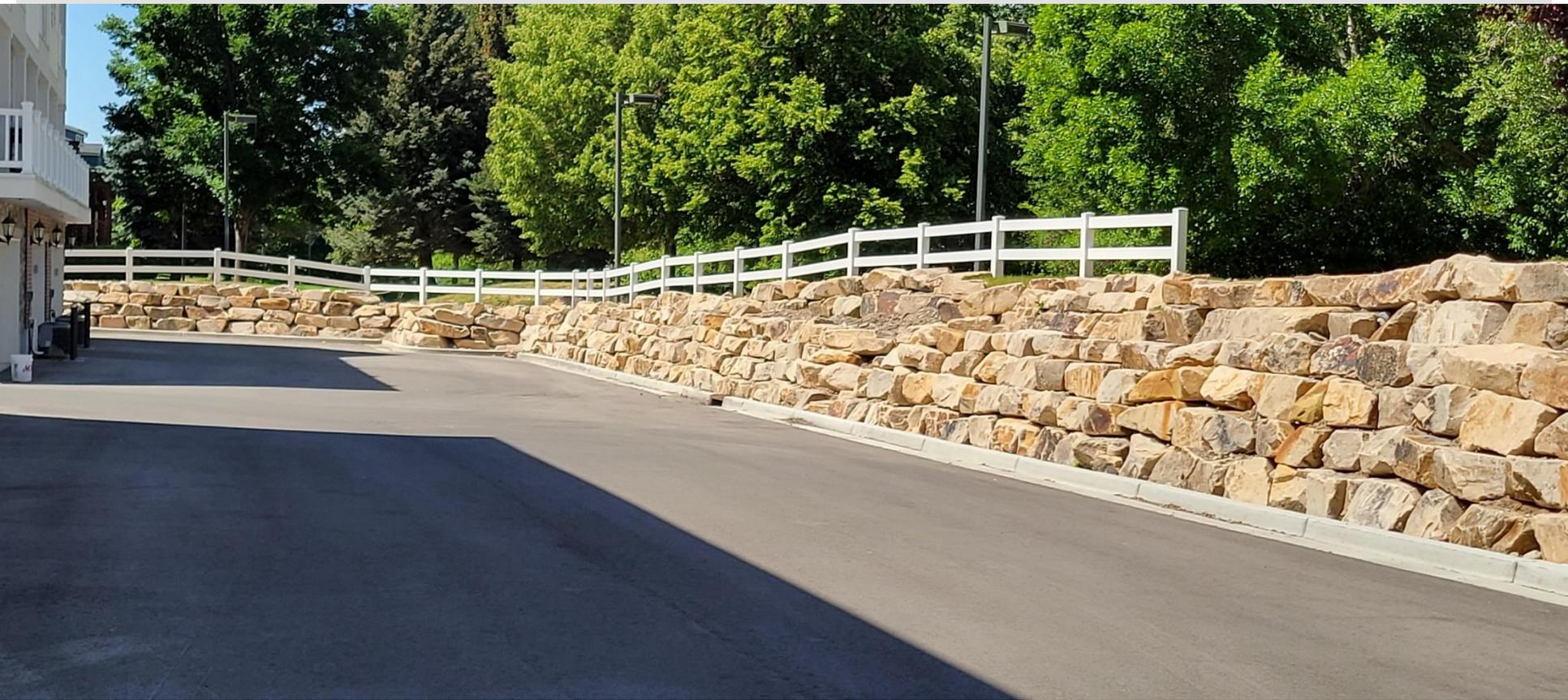
RIVERWOODS



RIVERWOODS



RIVERWOODS



RIVERWOODS



RIVERWOODS



RIVERWOODS



RIVERWOODS



SUBMITTED REPORTS

- Geotechnical Report 2017a
- Geotechnical Report 2017b
- Geotechnical Report 2021a
- Geotechnical Report 2021b (Summary of the December 2017 report and the March 2021 Village report)
- Geotechnical Report and Letter 2022a
- Geotechnical Letter 2022b

LOUGHLIN WATER ASSOCIATES, LLC

RECOMMENDATION

- The Village does not appear to have shallow groundwater. However, that does not mean that conditions could not change in the future. Shallow groundwater elevations west of The Village are higher in elevation (around 5,600 feet) than the site excavations (down to 5,555 feet), and irrigation return from the north and the west have the potential to impact soil moisture in the future. Additionally, return from forced irrigation and seepage from a proposed central surface water feature have the potential to impact subgrade structures. We assume that the current irrigation will be maintained but contained in a pipe during and following the construction of The Village. The design criteria of 30 gpm recommended by CMT (2022b) for subdrains is based on aquifer testing of a nearby well and may not be applicable to flow into horizontal drains in areas of transient water occurrence.

LOUGHLIN WATER ASSOCIATES, LLC

RECOMMENDATION

It is not feasible to develop perimeter foundation subdrain system based on a transient (short term) occurrence of water in the slotted pipes. Therefore, we recommend that The Village:

- Engage a qualified geotechnical engineer or hydrogeologist to observe foundation and storm drain and sewer line excavations to the proposed invert elevations for the presence and quantity of shallow groundwater during the first phase of development.
- Include the installation of perimeter foundation subdrains with cleanouts to the lowest slab grade elevations below subgrade floors and garages. Final sizing of the subdrains can be based on the observations made during the initial excavation phase, but the initial design should be a minimum diameter of 4 inches.

POSSIBLE FINDINGS

- CMT Engineering concluded that the development does not appear to have shallow groundwater.
- Loughlin Water Associates, LLC concluded that the development does not appear to have shallow groundwater.
- If subgrade parking is allowed, the buildings will be better designed which will greatly impact the streetscape and the overall character of the neighborhood.
- If subgrade parking is allowed, there will be more garage area for parking and storage which will help make it possible that surface street parking will be minimal.

PROPOSED CONDITIONS

1. A qualified geotechnical engineer or hydrogeologist observes foundation and storm drain and sewer line excavations to the proposed invert elevations for the presence and quantity of shallow groundwater during the first phase of development.
2. Include the installation of perimeter foundation subdrains with cleanouts to the lowest slab grade elevations below subgrade floors and garages. Final sizing of the subdrains can be based on the observations made during the initial excavation phase, but the initial design should be a minimum diameter of four inches.
3. The retaining areas for the subgrade parking use landscaping rocks and fencing, very similar to the examples attached to this report, that are found at the Riverwoods in Provo.

What's Wrong w/ a Townhome

Three Key Townhome Issues

- 1)No Parking/Storage
- 2)Flat/Cheap Design
- 3)Treehouse

1. Parking: Below-Grade = No Cars on Street



1. Parking: Grade-Level = Cars in the Street/Sidewalk



2. Flat/Cheap Design: Grade-Level = Got to Maximize on two levels



2. Flat/Cheap Design: Grade-Level = Low Roof Pitch High Roof Eves



Treehouse: THE STAIRS



- Walk as little as possible
- Order groceries delivered
- Don't invite grandma

Improving the Townhome: Parking is Everything

Problem

- Living in a treehouse
- Cars in the street
- No storage
- Flat/Boxy design
- Cheap materials

Solution



Benefit

- Ground-level living
- 3-4 car garage
- 3-4 car garage
- 35-feet for design
- Luxury product/economics

Parking Below Grade: Visual Impact

Lower Parking Enables:

- “Cottage Design” (1.5 stories)
- Steep Roof Pitches
- “Walkability”—ground-level living



Parking Below Grade: Visual Impact

Standard Parking Forces:

- Urban design (**2.5-3 stories**)
- **Flat** roof pitches/**Flat facades**
- More **cars on the street**



Parking Below Grade: Visual Impact



Parking Below Grade: Visual Impact



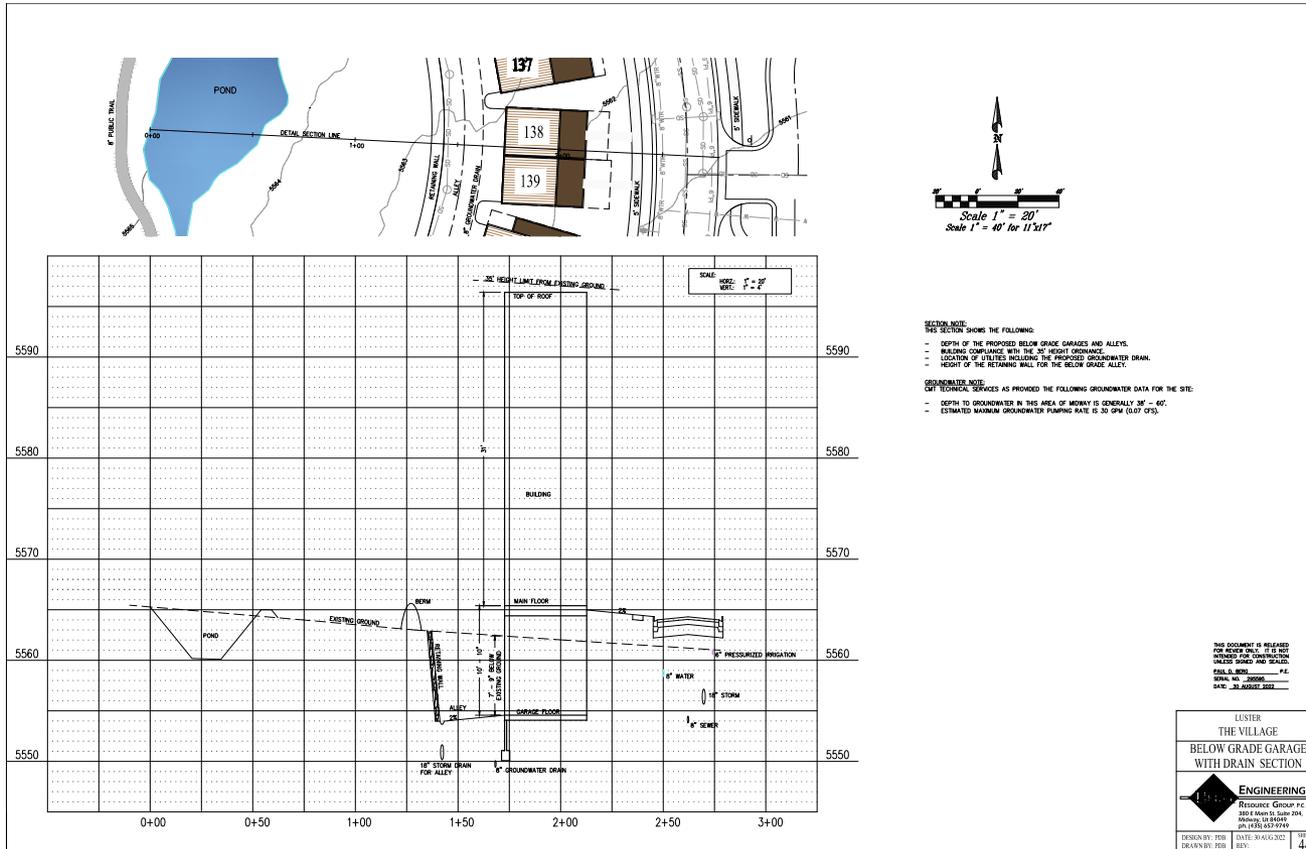
Parking Below Grade: Consultant(s) Reports

Loughlin Report 8/15/22

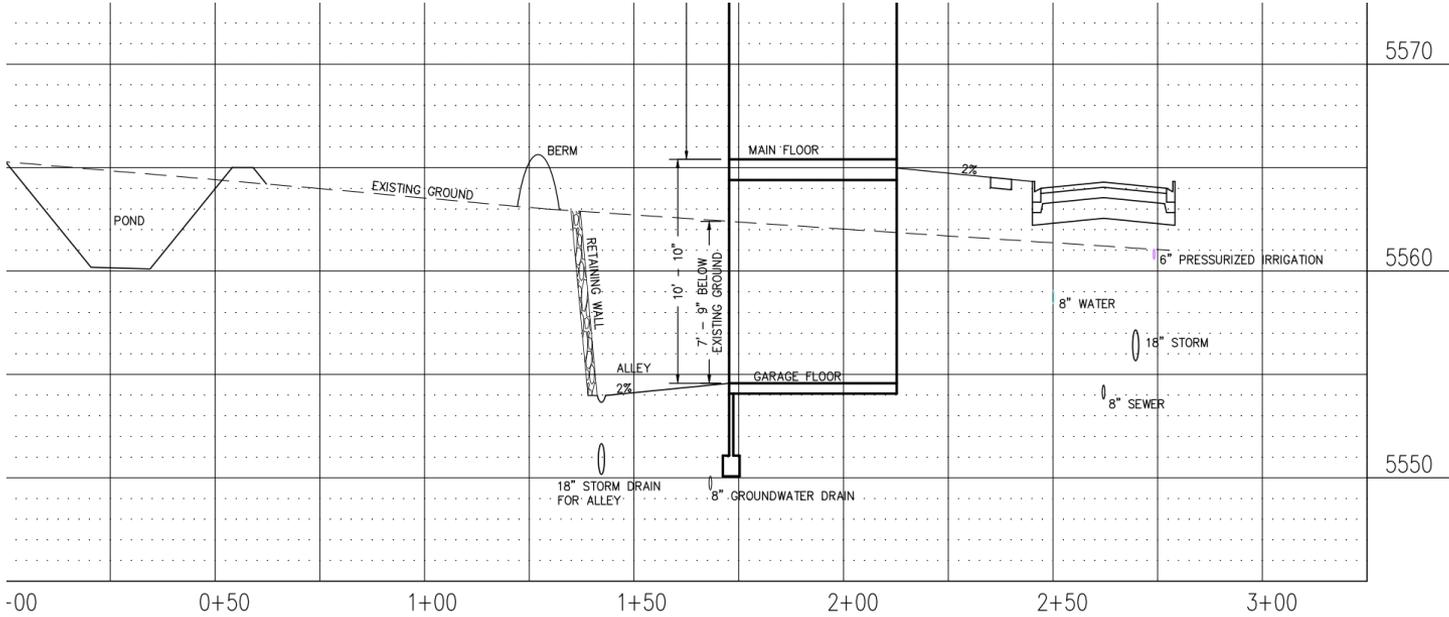
Therefore, we recommend that The Village:

- Engage a qualified geotechnical engineer or hydrogeologist to **observe foundation and storm drain and sewer line excavations** to the proposed invert elevations for the presence and quantity of shallow groundwater during the first phase of development.
- Include the **installation of perimeter foundation subdrains** with cleanouts to the lowest slab grade elevations below subgrade floors and garages. Final sizing of the subdrains can be based on the observations made during the initial excavation phase, but the initial design should be **a minimum diameter of 4 inches**.

Parking Below Grade: Engineering Design



Parking Below Grade: Engineering Design



Parking Below Grade: Practical Solution



Parking Below Grade: Practical Solution



Parking Below Grade: Practical Solution



Parking Below Grade: Practical Solution



Parking Below Grade: Practical Solution

