

# Midway City Planning Commission Regular Meeting Minutes June 14, 2022

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., June 14, 2022, at the Midway City Community Center 160 West Main Street, Midway, Utah

## Attendance

Jeff Nicholas- Chairman  
Andy Garland  
Laura Wardle  
Kelly Lineback (Alt)  
Rich Cliften  
Craig Simons  
Andrew Osborne (Alt)  
Rob Bouwhuis- Vice Chair  
Bill Ream

## Staff

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

## Excused

## 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 Andrew Osborne
  - Chairman Nicholas led the Pledge of Allegiance

### Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of May 10, 2022.

**Motion:** Commissioner Garland make a motion that we recommend approval of the minutes for May 10, 2022.

**Seconded:** Commissioner Wardle

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

**Chairman Nicholas:** All in favor.

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

**Motion:** Passed

**Item 2:**

Stuart Waldrip, representative for the Midway Arts Center Foundation, is proposing an amendment to section 16.5.2: Permitted and Conditional Uses (Commercial C-2 and C-3 Zones) to add indoor performing arts centers as a conditional use in the C-2 zone. He is also proposing an amendment to section 16.13.10: Maximum Height Provisions for all Buildings, and section 12.11.020: Exceptions, to include indoor performing arts centers in the list of structures that are allowed to exceed stated height requirements.

Laura Wardle recused herself from this item and left the building.

**Michael Henke gave a presentation**

**Proposed Amendment**

- 15.5.2 Permitted and Conditional Uses
  - Add indoor performing arts centers as a conditional use in the C-2 zone
- 16.13.10 & 12.11.020
  - Provide exceptions to the maximum height requirements for performing arts centers

**PROPOSED CODE LANGUAGE AMENDMENTS**

**Proposed changes in bold red text**

**1. USES IN THE C-2 AND C-3 ZONES**

**To be Added to Section 16.5.2 - Permitted and Conditional Uses:**

USES	C-2	C-3
<b>Indoor Performing Arts Centers (up to 50,000 sq. ft.) with largest audience venue up to 500 seats, primarily for live performances</b>	<b>C</b>	<b>N</b>

- E. Public buildings, indoor performing arts centers, and churches may be erected to any height provided the building is set back from required building setback lines a distance of a least 1 foot for each additional foot of building height above the maximum height permitted.
  - Current code: 35' height with a 10' front setback
  - Proposed code: 45' height with a 20' front setback
- C. Church spires, bell towers, finials, and like architectural features as well as flag poles, may extend above the specified maximum height limit by up to 50 percent of the height limit (52 feet 6 inches for a 35-foot building), but shall not contain any habitable spaces above the maximum height.
- Legislative action – Midway has broad discretion
- The Planning Commission and City Council may consider any issue when considering

- the proposal
- The PC and CC may require items from the petitioner that normally would not be allowed if a developer's property was in a zone that allowed for the proposed use

## General Plan

- Community Vision Goals and Guidelines
  - Guideline 1: Provide recreational and cultural opportunities that would be of interest to the full range of age groups.
  - Guideline 4: Encourage all types of visual and performing arts.
- Economic Goals and Guidelines
  - Guideline 3: Pursue arts, activities, recreation opportunities, and land uses that will create an experience to attract tourists.
- Main Street
  - Main Street is the economic, architectural, and historical heart of the community. The most powerful and lasting image associated with Midway is Main Street. This commercial core should be developed as a distinctive shopping and business area emphasizing it as an attractive location for tourism tied to Midway being a meeting place and staging area for festivals, special events, celebrations, and a variety of community activities which will indeed produce a vibrant healthy community centerpiece. Midway's Swiss theme and architectural design standards are prominent and important elements of Main Street.

## Height restrictions

- Main Street Element page 61:
  - Design – Using proper design standards such as setbacks, storefronts size and placement will improve the overall appearance and walkability.
- Elements of the Community Vision:
  - Effective planning through clustering, setbacks, Transfer Development Rights, and animal/agriculture ordinances will help Midway to preserve its **view corridors**, maintain open spaces and reinforce a country/rural feeling.
  - Midway's historical preservation Master Plan will identify the specific structures the city would like to preserve/restore, the **view corridors** it would like to preserve and the elements of the pioneer heritage it would like to maintain.

## Items of Consideration

- Traffic Impact – Based on only one theater being used at a time, the maximum number of patrons is 450 which would generate 180 trips. The model assumes 2.5 people per vehicle. Actors, stagehands, and staff would total approximately 50 people and would generate 50 trips. The total of all trips generated per event would be a maximum of 225 trips.

- Parking – 1 parking space per four patrons, actors, stagehands, and staff  
125 stalls are required
- Economic and Tourism Impact – A performing arts center would be an economic generator that would draw in patrons and tourists which in turn would spend money in Midway at restaurants, shops, short-term lodging facilities, and gas stations. It seems likely that those businesses would benefit if a performing arts center were built. Midway would also receive the tax benefit from the increased activity.
- Visual Impact – A performing arts center would be a large building on Main Street. If the building is designed appropriately; it could be a flagship building that helps enhance the Swiss and old European architecture that is so important to Midway. A large building, especially with an increased maximum height, would also impact views from surrounding properties.
- Site Feasibility – Geotechnical report
- Project Feasibility – Roughly 45 million is required for the project. The city must consider the possibility that, if approved, the building might only be partially completed and the potential problems that would arise from such a scenario. Though unlikely, it is also important to consider the possibility of an abandoned large building on Main Street.
- Long-Term Feasibility – The applicant has submitted some information on long-term feasibility that would include maintenance, management, etc. They plan to establish a four-million-dollar endowment fund that will provide approximately \$200,000 each year for facility upkeep and to lower rental costs for local arts groups.

#### **PC May 10<sup>th</sup> Motion-**

- Height and setback defined
- New resolution regarding parking
- Traffic impact to be more relevant to this project
- Understanding the funding and timeline
- Extend the street level rendering to include more of the view of Main Street and the current businesses
- Height and setback defined
- Current code – max height of roof 35'
- 52.5' architectural elements
- Proposed code – max height of roof 35'
- Max height of architectural elements based on setback
- Example – Clock tower height of 70', setback would be 25.5'
- 10' standard setback + 15.5' for height of tower (52.5' + 17.5' = 70')

## **Possible Findings**

- The proposed amendments, if approved, are not limited to the applicant's proposed site but would be a possibility for the entire C-2 zone
- The proposed amendments are a legislative action, and the City Council has broad discretion on whether to approve the amendments
- Promotes the goals and objectives of the General Plan which includes encouraging all types of visual and performing arts
- Could help generate economic activity for other Midway businesses and will help expand the tax base for Midway
- If the height limit is expanded for a performing arts center, views from surrounding properties will be impacted
- A traffic study has been submitted
- A geotechnical report has not been submitted

## **New Resolution Regarding Parking-**

- Option 1
  - Shared parking and access with Millstream Properties
    - Does not have support from Millstream Properties
- Option 2
  - All parking on performing arts center property with shared access with Millstream Properties
    - Does not have support from Millstream Properties but a new access may be obtained
- Option 3
  - Parking on site and 60 shared stalls with Olde Swiss Square
    - Off-site parking would need to be approved by the City Council

## **Traffic Impact to be more Relevant to this Project**

- Applicant has submitted more information
  - Traffic study for The Village
    - Study does not appear to contain a performing arts center in the analysis
    - Study is not site specific to current proposal
    - Study does include traffic counts for surrounding areas
  - Performing Arts Center trip generation & distribution

## **Understanding the Funding and Timeline**

- The applicant has supplied more information on their proposed timeline
  - The main worry that has been identified is that a building is not completed and is left in an unfinished state on Main Street.
  - The applicants have stated that construction will not begin until all the required funds are committed. This is helpful but there could still be flaws with this proposed scenario, especially if committed funds are never paid.

## Extend the Street Level Rendering to Include more of the view

- The applicant has provided some drawings that help visually show the impact of a performing arts center on Main Street

Joe Brime from Hales Engineering was asked to explain how they came up with the numbers from regarding traffic and where it comes from. It is an estimate based off other studies they have done in the valley.

### **This provides follow-up on parking, traffic, funding, the clock tower, and the construction schedule.**

1. **Parking** – The MAC now has two parking plan options that both comply with Midway's parking ordinance for spaces. One, sharing approximately half of the spaces with Old Swiss Square (a permanent agreement with the owners has been signed). Two, having all spaces on the proposed site.
2. **Traffic** - As requested, the available traffic studies have been provided. Preliminary findings from these, combined with years of HVAF's experience and performances being at off-peak hours, would suggest that traffic congestion will be minimal. Addition studies can be done later, if needed.
3. **Fundraising** – Construction will not begin until all funds are committed in writing and legally binding. We have a fundraising team that has deep experience and track record of success. Funding will include many residents with ongoing commitments who enthusiastically support the MAC.
4. **Tower Height** – We are requesting the tower height exception. The tower itself will not obstruct views of Timp and dramatically improves the beauty of the building. Also, a new photo study of existing structures on Main Street makes it clear that zoning height restrictions were not intended to protect views of Timp. All but one building on Main Street (a low-profile house with large set-back) block Timp.
5. **Construction Schedule** – A preliminary critical path schedule for the project has been provided. A full, detailed construction plan will be completed and provided prior to ground-breaking.

Barry Kent 1420 s 200 W talked about parking.

### **Option 1- Onsite and Shared Parking - Preferred by applicant.**

- 500 maximum occupancy
- 125 spaces required
- 68 spaces on site
- 60 spaces at Olde Swiss Square - a permanent lease agreement has been signed with the owners
- 128 total spaces

## **Option 2- Fully Onsite Parking**

- 500 max occupancy
- 125 spaces required
- 68 spaces on perimeter
- 64 spaces under building
- 132 total parking spaces

## **Driveway Update-**

- The main MAC driveway has been moved to be entirely onsite.
- Two entry driveways remain.
- The MAC will do whatever UDOT requires

## **Applicant and Commissioner Comments**

There was a question regarding if Ole Swiss Square ever is sold. Bill Fairbanks explained that the lease could be recorded with the Ole Swiss Square property, and it would be a legal document that will follow the land if it were to be sold in the future. It will be a 10-year lease with 10-year renewal intervals for 30 years at the choice of the MAC. It is a legal recorded document and can not be retracted unless the MAC requests it.

Chairman Jeff Nielson asked about the big theatre and the two smaller theaters. What is the assurance that all three theaters won't be used at the same time. Sue Waldrip stated that because of the bathroom space. They simply could not do it for that. Also, Rob Bouwhuis stated that with the Conditional Use Permit, that could be put in that CUP to limit multiple performances at a time.

Matt Waldrip from Provo Utah talked about fundraising. It's all about selling a vision. There are three components fundraising of hope, appreciation, and confidence in the experience to pull into the resources. It is tough, the intent to raise an endowment which provides cashflow. It takes the entire community. Matt has been in fundraising for many years and has been successful. He stated that they should be able to line up commitments within a year.

Sue Waldrip stated that any other theatres are funded by the government and taxpayers and many entities that will be able to use it. She believes that this theatre is to benefit specifically Midway. It is a different concept.

There was a slide show that showed that there are many buildings that block the view of Mt. Timp. He showed many of those buildings side by sides of the Millstream building and the Midway Arts Center to show how they will look along Main Street next to each other.

Bill Ream asked if there were going to be other venues besides the theatre. She stated that there would only be refreshments for the performances.

Rob Bouwhuis asked if there was a reason C3 was not included. Michael stated that the

application was presented was only for C2. Stu Waldrip stated that they wanted to do spot zoning and restrict so that it would be focused on this project only. Michael stated that the Resort zone does allow for theatre productions. C3 is designed for community gathering point for the town. C2 was designed for other types of uses, uses such as gas stations, etc.

Rob Bouwhuis stated that having parking along Main Street with parking agreements, it makes a better feel for Main Street.

Rich Cliften supports the project, and it fits, and he supports it.

There was a conversation regarding a zone change vs a CUP. Rob Bouwhuis stated that the zone change is not site specific at this level the site should not be considered. Andy Garland and Craig Simons stated that they didn't not agree, and the site should be considered, and they do not believe that this is the right place for a theatre.

Bill Ream stated that he agrees that there could be a better location. He believes that Midway is becoming a bedroom community with restaurants. He would like to have some intellectual diversity and is beneficial.

**Motion:** Commissioner Bouwhuis: I make a motion that we recommend approval for an amendment to section 16.5.2: Permitted and Conditional Uses (Commercial C-2 and C-3 Zones) to add indoor performing arts centers as a conditional use in the C-2 zone. He is also proposing an amendment to section 16.13.10: Maximum Height Provisions for all Buildings, and section 12.11.020: Exceptions, to include indoor performing arts centers in the list of structures that are allowed to exceed stated height requirements. Accept the staff findings that are included in the staff report and adding 2 other findings, one being that the C2 and the C3 zone is consistent in the intent with this type of use. Also, a new conditional use process needs to be in place to make considerations on impacts on the community such as parking and other concerns that have been brought up.

**Seconded:** Commissioner Cliften

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

**Chairman Nicholas:** All in favor.

**Ayes:** Commissioners: Ream, Bouwhuis and Cliften

**Nays:** Garland and Simons

**Recused:** Wardle

**Motion:** Passed

Laura Wardle returned to the meeting.

### **Item 3:**

Chuck Heath, representative for Midway Mtn Spa LLC, has submitted a master plan application for the proposed Ameyalli Resort (fka Mt. Spa) on 28.87-acres. The proposed master plan includes a resort, hotel, cottages, duplex units, public and private trails, and other resort related amenity improvements. The property is located at approximately 800 North 200



East in the Resort Zone

**Michael Henke gave a presentation**

**Project Overview**

- **Proposal:** The applicant is proposing to develop a resort on the former Mt. Spa property.
- **Zoning:** Resort Zone
- **Parcel:** 28.87 acres
- **Proposed Uses:**
  - Core Resort/Spa Bldg.
  - Hotel rooms (80 ea.)
  - Cottages (23 ea.)
  - Duplexes (24 units)
  - Family Lodges (2 ea.)
    - Presidential Suite (1 unit)

**Master Plan Requirements**

- Property
- Water Rights
- Roads
- Sensitive Lands Protection
- Open Space

**Items of Discussion**

Density – The proposed development includes the following types and quantities of density:

Density – The proposed development includes the following types and quantities of density:

- 80 Hotel Rooms – 41,270 SF
- 23 Cottages – 40,020 SF
- One Presidential Suite - 3,210 SF
- Resort Building/Spa - 48,510 SF
- 24 Duplex Units - 81,756 SF
- Two Family Lodges - 12,672 SF
- Farm Kitchen - 2,500 SF
- Total: 229,938 SF
- Total Bedrooms: 237 EA

- **Building Area** –The proposed plan includes a gross building floor area of 229,938 square feet (250,000 square feet is the maximum allow by the Memorandum of Understanding). The resort zone requires 20% of the gross floor area to be designated as commercial. Of that 20%, 25% must be uses like retail, restaurants, clubs/taverns, or art galleries/showrooms.
- **Access** – The development has three access points, two of which will be built to City standards, one from Burgi Lane, one from 600 North via 200 East. The third is an

- emergency access from Sunflower Lane.
- Traffic Study – The developer has submitted a traffic study which Horrocks Engineers has reviewed.
- Public Participation Meeting – The developers held a public participation meeting on May 4, 2022, as required by the ordinance for master plan applications. This requirement is to give the developers an opportunity to present the development to the surrounding residents of the proposed development.
- Public Trails
  - Burgi Hill Park to 600 North paved trails
  - River Road to Ameyalli core area
- Setbacks – The proposed development is designed with the setbacks from the Resort Zone code. The code requires 100' setbacks from all boundary lines surrounding the original Mountain Spa property.
- Height of structures – Structures cannot exceed 35' in height measured from natural grade.
- Geotechnical Reports
  - Earthtec Geotechnical
- Ground penetrating radar of the site

**Architecture Theme** - Typically, the architectural theming for new structures in the Resort Zone must comply with the Swiss-European guidelines outlined in Section 16.13.37 of the land use code. In Chapter 16.15 (Resort Zone), the building design guideline section (16.15.4 (G) (3)) states that the building design shall reflect:

**“The community’s architectural character choices emphasizing Swiss/European Alpine themes (or other themes as approved by the City Council after a recommendation from the Visual Architectural Committee (VAC) and Planning Commission).”**

The applicant is proposing a theme that some may interpret as a departure from the typical Swiss/European Alpine themes. Because of the previously mentioned code, it is staff’s interpretation that the city council has discretion on whether a departure is allowed.

- Building Area Dimensional Limitations – The code requires that building coverage not exceed 12,000 square feet per acre or greater than 27.5% of an acre. The applicant has submitted a plan that states that the average building coverage 229,938 square feet (5.72 acres) per acre which is 18.3% per acre.
- Parking plan proposal –
  - 680 required stalls
  - 335 stalls provided (44 valet parking stalls)
  - 302 stalls required per resort combined parking analysis
- Memorandum of Understanding requirements – Summit Land Conservancy and Chuck Heath entered into a Memorandum of Understanding (MOU) regarding development of the Mountain Spa Property. The MOU dictates previously mentioned items such as building footprint area and height. It also requires the following:
  - 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.

### **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.
- Open space calculations must be verified.
- The required parking must be verified.
- The amount of required water rights has yet to be determined.

### **Proposed Conditions**

1. Open space must be calculated to assure that the 55% requirement has been met.
2. A preliminary light mitigation plan must be submitted to the city, and agreeable to the city, that will mitigate the potential impact to the surrounding residents.
3. More detail must be submitted to determine the required parking has been met.
4. Landscape Design Plan must be submitted.

### **Applicant and Commissioner Comments**

There was a discussion regarding the water. Wes Johnson stated that we have the capacity. The wells have been reliable for years and the springs have been reliable for the last 80 years. Based off the past, yes, we have the capacity.

The rural preservation lots have been recorded and have all been sold.

Paul Burg clarified the sensitive lands and the boundaries that were determined by the 2008 Planning Commission and City Council. The site plan has been adjusted to honor the conservation easement and the boundaries that were determined by Planning Commission in 2008. The green area that has been identified are considered open space and will not be built upon.

The pot rock building will not be demolished and will be used for programing, such as crafts and such along with perhaps some retail.

There was a short discussion about perhaps putting a roundabout at the intersection on Burgi

Hill. Chuck Heath stated that the neighborhood would be unhappy as the lights would shine into the houses closest to Burgi Lane. Also, there may not be enough room to do it as we may not have enough right of way.

There was a conversation regarding the financing. Chuck Heath stated that they have the funds in place and do not plan of any type of financing. They are anticipating starting as soon as possible and plan to do it all within three years.

**Motion:** Commissioner Ream: I make a motion that we recommend approval of a master plan application for the proposed Ameyalli Resort (fka Mt. Spa) on 28.87-acres. The proposed master plan includes a resort, hotel, cottages, duplex units, public and private trails, and other resort related amenity improvements. The property is located at approximately 800 North 200 East in the Resort Zone. We accept the staff findings and the three conditions in the staff report.

**Seconded:** Commissioner Garland

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

**Chairman Nicholas:** All in favor.

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

**Nays:** None

**Motion:** Passed

#### **Item 4:**

Paul Berg, agent for Rising Heights LLC, is proposing a General Plan Amendment to amend the Midway City's Road System Master Plan. This proposal would remove a portion of the future planned road from 200 South between 740 East and Michie Lane through parcel 00-0006-6169 and parcel 00-0020-9351.

Rob Bouwhuis recused himself from this item and sat in the audience to possibly answer questions for the applicant.

**Michael Henke gave a presentation**

#### **Road System Master Plan**

- Proposal to remove a section of 200 South from 740 East to Michie Lane
- Impacts parcels 00-0006-6169 (Rising Heights LLC) & 00-0020-9351 (Abraham Neerings Trust)
- This section of road has been on the City's street plan since 2011
- Applicant would like to build a school on some of the property where the road is planned

#### **General Plan**

The General Plan focuses on transportation and the needed connectivity that allows a community to function. The City has adopted the Road System Master Plan to assure roads are built in areas where they have been identified that they are needed. The following are

selections from the General Plan regarding future street planning and connectivity:

- The transportation element is designed to provide for the safe and efficient movement of people and goods in the City. Its primary purpose is to balance current and future demands generated by projected future growth with roadway improvements. In essence, it is a long-range transportation plan which would efficiently support future land development and ultimately Midway's vision for the future.
- Additional east-west mobility will be central to mitigating these effects. As Midway continues to grow, building a complete system of roads and trails using multiple corridors and alternatives will become even more important.
- Neighborhood connectivity is important for local traffic and for emergency response and should be considered for all new development. Neighborhood connectivity will allow local traffic to use local streets and through traffic to use the collector roads which will allow traffic to be the safest and most efficient.
- Transportation Goals and Guidelines
- Objective 2: Design an adequate transportation system for current and future residents and areas of development.
- Guideline 3: Neighborhood connectivity is important for local traffic and for emergency response and should be preferred for all new development.

#### **Applicant's Reason to Remove the Road**

- At 740 East there is approximately 1,700 feet between Main Street and Michie Lane. A local road at 200 South that connects neighborhoods makes sense for areas west of 740 East. However, at the east end of the Rising Heights School property there is only 260 feet between 200 South and Main Street. For this short distance a local road is not needed to provide connectivity.
- There is only about 140 feet of separation between the proposed 200 South and Zurich Lane. Removing 200 South will remove closely spaced intersections conflicts.
- Allows for more open space and play area on the school site.
- Reduces potential conflicts between car traffic and school children.
- A portion of 200 South goes through the Neerings property. The Neerings have raised concerns about 200 South running through their property during the public hearings for the nearby Edelweiss Meadows Subdivision.
- Removing the proposed section of 200 South would eliminate road intersection alignment issues in the Neerings property.

#### **Possible Findings**

- The road has been planned since at least 2011.
- With less connecting roads, more traffic is forced on to the existing roads which compounds as Midway grows.
- Goals in the General Plan promote connectivity for local traffic circulation and emergency response.
- More connectivity allows for options for detours when roads are under construction.

#### **Proposed Conditions**

- The General Plan amendment is conditioned that the Road System Master plan is only amended for the construction of a school for the entire parcel (no dwellings are included on any of the 4.78-acre parcel).

### **Applicant and Commissioner Comments**

It is acceptable to have one access point. Wes Johnson stated that he is very comfortable with having one access.

It was stated that the school will only have k thru 6 grades with a max of 100 students. There will be no student drivers.

Paul Berg stated the benefits of removing the road. Safety, not having parents cutting through other neighborhoods etc.

Melissa Ray who lives in Lacy Lane Subdivision. She went to the neighborhood and was able to talk to 7 of the neighbors and they all signed a petition that states that they do not want the road and want the school.

Rob Bouwhuis stated that the school is a modified Montessori method. It is about exploration and nature. The school will be oriented to have the windows facing Mt. Timp and the road system was designed with safety in mind. The school will be built in phases beginning with the younger grades 1 through 3 first. The other building will come later. One of the future buildings will add a gym.

Clint Neerings 226 S 740 E- Is in favor of removing the road. He stated that the Thacker's and Bezzant's are also in favor of removing the road. He also stated that during this process he asked that the Commission to consider removing the other part of the road that flows through his property. Michael Henke stated that because the report and the noticing was specific to being between 740 E and Michie Lane, the road going through the Neerings property could not be considered in this motion.

**Motion:** Commissioner Cliften: I make a motion that we recommend approval of a General Plan Amendment to amend the Midway City's Road System Master Plan. This proposal would remove a portion of the future planned road from 200 South between 740 East and Michie Lane through parcel 00-0006-6169 and parcel 00-0020-9351. And we accept the staff findings and adding an additional finding that the road is not valuable as a connector, and we approve the condition listed in the staff report.

**Seconded:** Commissioner Ream

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

**Chairman Nicholas:** All in favor.

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

**Nays:** None

**Recused:** Bouwhuis

**Motion:** Passed

**Item 5:**

Watts Enterprises, agent for Midway Springs LLC Series II, is proposing final approval of phase 4 of Remund Farms PUD. The proposal contains 7 lots on 4.14 acres. The property is located at 280 East Rockwell Circle and is in the R-1-15 zone.

**Michael Henke gave a presentation**

**Land Use Summary**

- R-1-15 zone
- Seven lots in a PUD subdivision
- 4.14 acres
- 1.24 acres of open space
- Private road
- Sensitive lands include wetlands
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

**Water Board Recommendation**

Phase 4 Water Rights per the 1/6/2020 Water Board Meeting:

Inside: 5.60/ac-ft

Irrigation: 7.68 ac-ft

Total Required: 13.28 ac-ft

**Possible Findings**

- The proposed plan does meet the requirements of the code for a PUD in the R-1-15 zone
- The public trail system in the development benefits the entire community by creating trails that are separated from roadways
- The proposal does comply with the approved revised master plan for this phase
- Any failure to record the plat within one year of the approval of the Final Plan by the City Council shall terminate all proceedings and render the Final Plan null and void
- 1.24 acres of open space must be created as part of the development, which will be noted on the plat and restricted from future building or development.
- The public trail from River Road to Rockwell Circle will be improved and the funds for the construction of the trail along 600 North be contributed to the general trails fund as part of the subdivision. Both trails will benefit members of the community

**Recommended Conditions**

1. The applicant is required to improve the existing trail along Swiss Paradise Lane to be a 6' asphalt trail. They will also be required to improve the existing trail on Swiss Paradise lot 3. This trail section will connect Swiss Paradise Lane to the Rockwell Circle cul-de-sac sidewalk in Phase 4. These trails should be noted as public and built according to Midway City trail standards.
2. The applicant will be required to contribute the funds associated with installing the 8' asphalt trail from Farm Hill Lane to 200 East to the general trails fund. The funds will be used when the trail is completed in the future as part of a larger improvement project.

### **Applicant and Commissioner Comments**

There was a discussion regarding the trail easement that is located to the south that can be entered from the Swiss Paradise Subdivision.

There was a short conversation on the trail on 600 North.

**Motion:** Commissioner Ream: I make a motion that we recommend approval of the final approval of phase 4 of Remund Farms PUD. The proposal contains 7 lots on 4.14 acres. The property is located at 280 East Rockwell Circle and is in the R-1-15 zone. We also accept the staff findings and the conditions 1 and 4 listed in the staff report noting that conditions 2 and 3 have already been met. Also adding that condition 1 state the trail is road base.

**Seconded:** Commissioner Garland

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

**Chairman Nicholas:** All in favor.

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

**Nays:** None

**Motion:** Passed

Adjournment

**Motion:** Commissioner Garland

**Second:** Commissioner Simons

9:56 pm

  
Chairman – Jeff Nicholas

  
Admin. Assistant – Melannie Egan