

# Midway City Planning Commission Regular Meeting Minutes March 12, 2024

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., March 12, 2024, at the Midway City Community Center  
160 West Main Street, Midway, Utah

## Attendance

Travis Nokes  
Andrew Osborne  
Laura Wardle  
Kelly Lineback  
Bill Ream  
Gene Miles (Alt)  
Craig Knight (Alt)

## Staff

Michael Henke – City Planner  
Melannie Egan – Planning Tech  
Katie Villani – Planner  
Wes Johnson – City Engineer

## Excused

Andy Garland- Vice Chair  
Jeff Nicholas- Chairman

## 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 Commissioner Wardle
  - Commissioner Bill Ream led the Pledge of Allegiance

### Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of February 13, 2024

**Motion:** Commissioner Wardle: I make a motion that we recommend approval of the Planning Commission Meeting Minutes of February 13, 2024.

**Seconded:** Commissioner Lineback

**Commissioner Ream:** Any discussion on the motion?

**Commissioner Ream:** All in favor.

**Ayes:** Commissioners: Wardle, Lineback, Nokes, Osborne, Miles

**Nays:** None

**Motion:** Passed

## **Item 2:**

Berg Engineering, agent for The Homestead Group LLC, is proposing to amend the 2021 Homestead Master Plan approved with Resolution 2021-02. The proposed amendment includes 68 new condo units, additional golf amenities, additional parking, an expanded wedding and conference facility, a new golf cart building with second floor indoor pickleball courts, a new layout for the golf clubhouse, a new layout for the activity center, removal of the conference center building, removal of the horse stable building, and other miscellaneous trail, sidewalk, landscape, building location and site plan adjustments. The master plan is on 72.01 acres and is located at 700 North Homestead Drive. The property is zoned Resort Zone (RZ).

**Michael Henke gave a presentation.**

### **Master Plan History**

- August 27, 2008 – Original Approval
- September 1, 2020 – First Amendment
- March 5, 2021 – Second Amendment
- 2024 – Proposed Third Amendment

### **Approved Master Plan**

- 174 hotel rooms
- 5 residences
- 4 condominiums (existing)
- 72.01 acres owned by The Homestead
- 30.27 acres open space (59%)
  - 19.74 acres outside the code
  - 10.53 acres inside the core
- 19.49 acres owned by The Homestead but not in the master plan
- 424 stalls with two areas of parking lot expansion if needed
- 2 phases
- One ownership of entire property
  - 4 existing condominiums units may be sold separately from resort
- Public trail that parallels Homestead Drive
  - Planned to be built by October 31, 2021
  - \$50,000 payment for off-site Homestead Trail which has been paid

### **Proposed Master Plan**

- 125 hotel rooms
- 11 residences
- 4 condominiums (existing)
- 68 new condominiums
- 72.01 acres owned by The Homestead
- 26.23 acres open space (51.9%)
  - 19.74 acres outside the code

- 6.49 acres inside the core
- 19.49 acres owned by The Homestead but not in the master plan
- 465 required stalls with a minimum of 510 stalls that will be built
- 609 stalls may be built if needed
- 1 phase
- One ownership of entire property
  - 4 existing condominiums units may be sold separately from resort
  - 68 proposed condominiums units may be sold separately from resort
  - 11 residences may be sold separately from resort
- Public trail that parallels Homestead Drive

Proposed to be built by Summer of 2024

- Redesigned clubhouse
- Redesigned golf cart storage building with second story of indoor pickleball courts
- Redesigned activity center
- Wedding barn and conference center are combined into one facility
- Tennis courts are converted to pickleball courts
- Remove stable

Other revisions to the approved plan

### **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 that crosses the development will benefit the entire community by creating public trails along Homestead Drive.
- The proposed plan will increase density from the current approved number.
- The proposal will increase traffic to the surrounding community.
- The proposal will create condominiums that might be rented or might be lived in as full-time residences.
- The proposed amendment reduces the amount of open space to below current code standards.
- The proposed amendment will allow condominium units to be sold once the plat is recorded.
- The proposal is a contract renegotiation and neither party is obligated to approve the proposed changes.

### **Proposed Conditions**

1. The public trail that parallels Homestead Drive will be built by August 1, 2024.
2. No condominium units will be sold until the unit receives a certificate of occupancy.
3. Landscaping must be installed along the southern and northern boundaries of The Homestead the first summer season of construction to help mitigate nuisance issues related to construction activities.
4. Discuss the possibility of placing a conservation easement on 19.49 acres that potentially could be restricted from development and would become permanent open space in the master plan. The conservation easement will be held by an accredited land trust.
5. With respect to the 19.74 acres of previously designated open space per the current master plan agreement that is located outside of the resort core, a conservation easement should be placed on it to permanently restrict it from future development. The conservation easement will

be held by an accredited land trust.

6. 6.All existing lighting and planned lighting in the resort will comply with current Midway requirements. Existing nonconforming lighting must be brought into compliance within a year of the master plan being recorded.
7. 7.The applicant and City will explore the possibility of a public trail that will cross the property from Pine Canyon Road to Homestead Drive.

## **Comments**

A presentation from Paul Berg from Berg Engineering. He explained the changes on the Master Plan. A lot of the buildings have already been approved, so The Homestead has tweaked some of those buildings with slightly different designs and combining some of the buildings together. Paul showed a slide of the comparisons of the different approved Master Plans over the years. Paul spoke about the density and the comparisons over the years.

It was asked how tall the condominium and it was confirmed that the condos would not be over Midway City's code of 35'.

Attorney Loran Bouldger for The Homestead wanted to highlight the Resort Tax and how important that tax is too Midway. She stated that they have roughly calculated that The Homestead has approximately 600 pillows. Marriot will run all the pillows through their company. This will help to keep these in the rental pool and have them sold off to the private sector and lose the resort taxes. She stated that they would be willing to place land conservation easements on the properties that are open space.

## **Public Comment was opened up by Commissioner Bill Ream**

Patrick Turpin the HOA President, suggest recommending a continuance because the community has not had enough time to even look at the revisions and the impacts. Allow proper vetting of the proposal.

Jim Briant on St Andrews Drive in the Links. He stated that in the past that they have had so many problems but believes that the new owners have done a good job. He would like to have a permanent 6' fence and landscaping on the south boundary,

Joe Becker wants the Turnberry permanent open space to be placed in a land conservancy as the land is not permanent.

Brad Weignager, who lives near Turnberry, asked about the permanent open space, but is not in a land conservancy which makes the area vulnerable. He is concerned.

Sally Reed- What is the traffic going to be like? She loves what The Homestead has done with the property, she would like to reduce the unit numbers.

Mark Austin who lives on Homestead Drive. He had questions regarding the golf course and the various ownerships. He wants the entire golf course under a conservation easement.

## **Public Comment was closed by Commissioner Bill Ream**

Travis Nokes Wants the package to be wrapped up more because there are so many things that are unknown at this point.

Andrew Osborne wants to know about the trails. He wants to make that east west trail solidified because that are not any trails proposed for an east west access.

Laura Wardle this this item has been presented so fast and wants a continuance but wants the Council to know what the Commissioners are concerned about and want addressed.

There was a discussion about the TROD areas, where they are and what can be done in that area.

**Motion:** Commissioner Nokes: I make a motion that we recommend continuance on the amendment of the 2021 Homestead Master Plan approved with Resolution 2021-02. The proposed amendment includes 68 new condo units, additional golf amenities, additional parking, an expanded wedding and conference facility, a new golf cart building with second floor indoor pickleball courts, a new layout for the golf clubhouse, a new layout for the activity center, removal of the conference center building, removal of the horse stable building, and other miscellaneous trail, sidewalk, landscape, building location and site plan adjustments. The master plan is on 72.01 acres and is located at 700 North Homestead Drive. The property is zoned Resort Zone (RZ). We add strong recommendations that a conservation easement be placed in all of the blue and purple areas on the map, east and west trails, buffers on the borders of the Kantons and The Links, unit occupancy numbers, and dark sky.

**Seconded:** Commissioner Lineback

**Commissioner Ream:** Any discussion on the motion?

**Commissioner Ream:** All in favor.

**Ayes:** Commissioners: Wardle, Lineback, Nokes, Osborne, Miles

**Nays:** None

**Motion:** Passed

### **Item 3:**

Chuck Heath, representative for Midway Mtn Spa LLC, has submitted a preliminary application for Phases 2, 3, and 4 of Ameyalli Resort on 28.87-acres. The preliminary plan includes 23 cottage units, 80 hotel units, a presidential suite (Chopra House of Enlightenment), and the Well-Being Center which includes restaurants, spa, event center, etc. The property is located at approximately 800 North 200 East and is in the Resort Zone (RZ).

**Michael Henke gave a presentation.**

### **Land Use Summary**

- Resort Zone (RZ)
- Phases 2-4 approximately 11.44 acres (28.87 acres total in the master plan)
- 4.08 acres of open space (15.95 acres of open space in the master plan)

- Well-Being Center which includes restaurants, spa, event center, etc.
- 23 cottage units, 80 hotel units, and the Chopra House of Enlightenment
- Public trails from 600 North to Burgi Lane, River Road to resort core, and crater loop trail. Trails will be 8' with a paved surface except for the hot pot trail that will be a soft surface trail.
- Private roads and storm drain system will be maintained by the property owner.
- New improvements will connect to the Midway Sanitation District sewer and to the City's culinary water line.
- Sensitive lands on the property include hot pots, rock outcroppings and 25% and greater slopes.

**Phases 2-4**

- |  |                  |
|--|------------------|
| • <b>80 Hotel Rooms –</b>                | <b>42,020 SF</b> |
| • <b>23 Cottages –</b>                   | <b>37,444 SF</b> |
| • <b>Chopra House of Enlightenment -</b> | <b>3,210 SF</b>  |
| • <b>Resort Building/Spa -</b>           | <b>44,697 SF</b> |
| • 24 Duplex Units -                      | 66,393 SF        |
| • Two Family Lodges -                    | 10,542 SF        |
| • <b>Med Spa -</b>                       | <b>5,500 SF</b>  |
| • <b>Farm Kitchen -</b>                  | <b>1,300 SF</b>  |
| • Total:                                 | 213,030 SF       |
| • Total Bedrooms:                        | 237 EA           |

Approved

**Table 2 - Required Parking Spaces for the Ameyalli Master Plan**

Use	Quantity	Unit	Parking Standard		Parking Space Subtotal	Peak Day Factor	Peak Hour Factor	Factor for Hotel Parking	Required Spaces
			Quantity	Unit					
Hotel Units (1 bedroom)	80	unit	1	per unit	80	0.84	0.95	1.00	64
Cottage Units (2 bedrooms)	23	unit	1	per unit	23	0.84	0.95	1.00	18
Cottage Lock Out Units	23	unit	1	per unit	23	0.84	0.95	1.00	18
Presidential Units (3 bedrooms)	1	unit	2	per unit	2	0.84	0.95	1.00	2
Duplex units (6 - 7 bedrooms)	24	unit	2	per unit	48	0.84	0.95	1.00	38
Family Lodge (5 bedrooms)	2	unit	2	per unit	4	0.84	0.95	1.00	3
Yurt	4	unit	1	per unit	4	0.84	0.95	1.00	3
Restaurant	71	seats	1	per 2 people	36	1.00	1.00	0.40	14
Rooftop Bar	35	seats	1	per 2 people	18	1.00	1.00	0.40	7
Farm Kitchen	12	seats	1	per 2 people	6	1.00	1.00	0.40	2
Event Space / Conference Center	245	person	1	per 2 people	123	1.00	0.50	0.40	25
Swimming Pools	201	person	1	per 2 people	101	1.00	0.75	0.40	30
Spa - Main Full Service	102	person	1	per 2 people	51	1.00	0.75	0.40	15
Spa - Med Spa	73	person	1	per 2 people	37	1.00	0.75	0.40	11
Spa - Basement	51	person	1	per 2 people	26	1.00	0.75	0.40	8
Fitness Center	53	person	1	per 2 people	27	1.00	0.75	0.40	8
Hotel Staff and Employees	53	person	1	per employee	53	1.00	0.33	1.00	17
Kitchen Staff and Employees	18	person	1	per employee	18	1.00	1.00	1.00	18

Total Parking Space Subtotal 302  
 Reduction in Spaces Needed per Resort Owned Shuttle Vans 15  
**Total Parking Spaces Required for the Resort 287**

**Total Parking Spaces in Master Plan (with 15 tandem valet spots and 1 per duplex driveway) 330**  
**Total Parking Spaces in Master Plan (with 15 tandem valet spots) 307**  
**Total Parking Spaces in Master Plan (without tandem valet or duplex driveways) 292**

Notes:

- Section 16.13.39.A.10 of the Midway City Zoning Ordinance requires 1 parking space per 200 sq. feet for restaurants. This analysis uses seating capacity instead of square feet which is a more accurate method to estimate parking for restaurants.
- Assumed that only a third of the hotel staff and employees is working during the evening peak hour. Cleaning, laundry and other maintenance employees are gone during the peak hour.
- One 15 person resort owned passenger van is the equivalent of 5 cars or 5 parking spaces. Three (3) vans are proposed for the resort.

**Water Board Recommendation**

- The Water Advisory Board reviewed the project on October 3, 2022, to determine the water required for the proposal. They recommended that 124.85 acre feet (99.23 culinary and 25.62 outside irrigation) will be required for the entire project which includes culinary connections and outside irrigation. The developer was required to dedicate 36.5 acre feet for Phase 1, this leaves the remainder of the required water rights to be dedicated for **Phases 2-4 which is 88.35 acre feet.**

**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 that will connect to Midway’s existing trail network.
- Amenities will be created that will be accessible year-round which will invite more tourists to visit the resort in all seasons.

**Recommended Conditions**

None

## **Comments**

None

**Motion:** Commissioner Wardle: I make a motion that we recommend approval of the preliminary application for Phases 2, 3, and 4 of Ameyalli Resort on 28.87-acres. The preliminary plan includes 23 cottage units, 80 hotel units, a presidential suite (Chopra House of Enlightenment), and the Well-Being Center which includes restaurants, spa, event center, etc. The property is located at approximately 800 North 200 East and is in the Resort Zone (RZ). We approve the findings in the staff report.

**Seconded:** Commissioner Lineback

**Commissioner Ream:** Any discussion on the motion?

**Commissioner Ream:** All in favor.

**Ayes:** Commissioners: Wardle, Lineback, Nokes, Osborne, Miles

**Nays:** None

**Motion:** Passed

## **Item 4:**

Paul Berg, representative for Cari Lane LLC and Jeremy Clark, has submitted a preliminary application for a large-scale subdivision to be known as Whispering Creek Subdivision. The preliminary plan includes seven lots on 4.54 acres. The property is in the R-1-15 zone at approximately 515 West Cari Lane.

**Michael Henke gave a presentation.**

## **Land Use Summary**

- 4.54 acres
- R-1-15 zone
- 7 lots
- Sensitive lands
  - FEMA Floodplain
  - Wetlands
- Cosper Subdivision – 6 acre feet dedicated
- One existing dwelling – 1.5 acre feet credit

## **Submitted Documents**

- Wetlands Disturbance Restoration Letter from Frontier Environmental Consultants
- Whispering Creek Geotechnical Report by Gordon
- Whispering Creek Wetlands Report & Request for Aquatic Resources Restoration
- Whispering Creek Lot 3 Floodplain Study for Proposed Bridge Report

## **Needed Documents**

- Stream Alteration Permit for the vehicular bridge to Lot 3 for the sewer later and culinary water



lateral

- Army Corps of Engineer approval of the wetlands delineation on the property
- A letter verifying that the FEMA Floodplain has been restored to its original condition

### **Possible Recommendation**

- 4.54-acre parcel (197,762 sq. ft.)
  - Irrigated area
    - Lots – 162,231 sq. ft. (3.72 acres)
    - Park strip – 8,276 sq. ft. (0.19 acres)
    - Common area – 5,896 sq. ft. (0.14 acres)
  - Impervious area for lots
    - 56,000 sq. ft. (7 x 8,000)
  - Total irrigated acreage
    - $2.76 \times 3 = 8.28$ -acre feet
- 7 culinary connections
  - 5.6-acre feet (7 x .8)
- Credits
  - Cosper – 6 acre feet
  - Existing dwelling – 1.5 acre feet
- 13.9 acre feet requirement
- 6.4 acre feet ( $13.9 - 6 - 1.5 = 6.4$ )

### **Possible Findings**

- The proposal does meet the intent of the General Plan for the R-1-15 zone
- The proposal does comply with the land use requirements of the R-1-15 zone
- Sensitive lands on the property and setbacks will be included on the plat along with notes informing future lot owners of any risk
- The City has not received approval of the wetlands study by the Army Corps of Engineers
- A stream alteration permit is required for the driveway crossing on lot 3

### **Proposed Conditions**

1. A wetlands study must be approved by the Army Corps of Engineers before the item is placed on an agenda for preliminary approval by the City Council.
2. A stream alteration permit must be approved before the item is placed on an agenda for preliminary approval by the City Council.
3. A note shall be placed on the plat that advises future owners of lots 2, 4 and 5 of the potential flood hazards from a 500-year flood.
4. The developer must build the driveway crossing in lot 3 as part of the subdivision infrastructure.
5. A letter verifying that the FEMA Floodplain has been restored to its original condition must be submitted before the item is placed on an agenda for preliminary approval by the City Council.
6. The plans must be updated to show the common area that borders Cari Lane in the plan submittal for final approval.

7. An advisory notice must be recorded on Lots 2, 3, and 4 regarding the AE floodplain on the lots. The document will explain the limitations of what is allowed in the floodplain. The document will have language similar to the following: Landscaping is allowed in the FEMA AE flood area which includes planting grass, plants, and trees, but nothing is allowed that will modify the FEMA flood zone, this includes not grading or placing rocks or fill of any type in this area that impacts the topography of the floodplain.

### **Comments**

There was a question regarding where the cluster box was and it was suggested to put the box inside the subdivision for safety reasons as the road is not wide in that area and limited pull over area.

**Motion:** Commissioner Lineback: I make a motion that we recommend approval for a preliminary application for a large-scale subdivision to be known as Whispering Creek Subdivision. The preliminary plan includes seven lots on 4.54 acres. The property is in the R-1-15 zone at approximately 515 West Cari Lane. We accept the findings in the staff report and we accept the listed conditions except for number 5 which has already been met.

**Seconded:** Commissioner Nokes

**Commissioner Ream:** Any discussion on the motion?

**Commissioner Ream:** All in favor.

**Ayes:** Commissioners: Wardle, Lineback, Nokes, Osborne, Miles

**Nays:** None

**Motion:** Passed

### **Item 5:**

Cole Knight and Jesse Diyanni have submitted a preliminary/final application for a small-scale subdivision to be known as Sage Hill Estates. The preliminary plan includes two lots on 0.55 acres. The property is in the R-1-7 zone at 85 North River Road.

**Katie Villani gave a presentation.**

### **Land Use Summary**

- 0.55 acre
- R-1-7 zoning
- Proposal contains two (2) lots
- One existing single-family dwelling; one existing detached garage. Portions of the garage extend outside the property boundary and the application calls for demolition and removal of the structure.
- Proposed Lot 1 has frontage on River Road and 100 North.
- Proposed Lot 2 has frontage on River Road.
- Sensitive lands – None identified
- The existing parcel connects to Midway Sanitation District sewer, Midway City's culinary water

line, and Midway Irrigation Company's secondary water line. The addition of a second parcel will necessitate additional connections to these services.

### **Recommended Water Requirement**

- 0.81-acre parcel (35,284 sq. ft.)
- 0.54-acre parcel (23,522 sq. ft.) after road dedication
  - Impervious area for dwellings, accessory structures, hard surfaces
    - 0.23 acres (10,000 sq. ft.)
  - Irrigated acreage
    - 0.3 acres(13,068) x 3 = 0.9 acre feet
- 2 culinary connections for dwellings
  - 1.6 acre feet
- Total = 0.9 +1.6 = 2.5 acre feet
- 1.5 acre feet credit for dwelling and historically irrigated yard
- 1.0 acre foot requirement

### **Possible Findings**

- The proposed lots meet the minimum requirements for the R-1-7 zoning district
- The proposal does meet the intent of the General Plan for the R-1-7 zoning district
- The subdivision will contribute to the master trails plan by adding funds to the general trails fund that will be used to help accomplish the master trails plan
- The duration of Preliminary/Final Approval shall be for one year from the date of approval of the development by the City Council. If the Final Plat is not recorded with the County Recorder within the one-year period of time, the development's approval shall be voided, and both Preliminary and Final Approvals must be re-obtained to reinstate the project, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions. No more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

### **Proposed Conditions**

1. During the River Road reconstruction project, the contractor installed a water, sewer, and pressurized irrigation lateral to the proposed Lot 2. To avoid future road cuts, the City paid to install the laterals. Prior to recording the plat, the owners shall reimburse the City for the cost of these.
2. The owners shall pay all fees, including connection fees for culinary water, sewer, and secondary water, prior to the recording of any plat.
3. The owners shall dedicate the required areas for River Road and 100 North before recording the plat. River Road is considered a local collector with a 66' ROW, therefore the owners shall dedicate 33'. 100 North is considered a local road with a 56' ROW, therefore the owners shall dedicate 28'.
4. The existing, nonconforming garage on the premises shall be removed prior to the recording of

any plat.

5. A note shall be included on the plat advising that only single-family dwellings are allowed on the two lots.

### **Comments**

The owner told the commissioners that they did consider combining the driveway on 100 North, but they ultimately decided against it.

**Motion:** Commissioner Wardle: I make a motion that we recommend approval of a preliminary/final application for a small-scale subdivision to be known as Sage Hill Estates. The preliminary plan includes two lots on 0.55 acres. The property is in the R-1-7 zone at 85 North River Road. We accept the findings in the staff report and conditions and adding a 6<sup>th</sup> condition of the north lot to have driveway access from 100 North.

**Seconded:** Commissioner Nokes

**Commissioner Ream:** Any discussion on the motion?

**Commissioner Ream:** All in favor.

**Ayes:** Commissioners: Wardle, Lineback, Nokes, Osborne, Miles

**Nays:** None

**Motion:** Passed

Adjournment

**Motion:** Commissioner Nokes

**Second:** Commissioner Osborne

8:43 PM

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Commissioner – Bill Ream

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Planning Tech – Melannie Egan