

Midway City Planning Commission Regular Meeting Minutes May 14, 2024

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., May 14, 2024, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Jeff Nicholas – Chairman
Andy Garland – Vice Chair
Travis Nokes
Andrew Osborne
Genene Miles (Alt)
Craig Knight (Alt)

Staff

Michael Henke – City Planner
Katie Villani – Planner
Wes Johnson – City Engineer

Excused

Laura Wardle
Kelly Lineback
Melannie Egan- Planning

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 Nokes

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of March 12, 2024

Motion: Commissioner Osborne: I make a motion that we approve the Planning Commission Meeting Minutes of March 12, 2024.

Seconded: Commissioner Nokes

Commissioner Nicholas: Any discussion on the motion?

Commissioner Nicholas: All in favor.

Ayes: Commissioners: Osborne, Nokes, Miles, Knight, and Garland

Nays: None

Motion: Passed

Item 2:

Berg Engineering, agent for The Homestead Group LLC, is proposing Preliminary Approval of Phases 1 and 2 of the Homestead Resort. The preliminary application includes 68 condo units, seven residential units, and seven resort amenity buildings. The preliminary 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.

Mr. Henke reviewed the master plan approved in 2008 and the 2021 amendment. The Applicant is applying for preliminary approval, which is allowed under the master plan. The number of rooms and square footage proposed are less than allowed by the master plan. Other changes or specifications include:

- Trail along Homestead Drive to be completed this spring/summer.
- Conference Center has been removed from the proposal.
- Stables have been removed from the proposal.
- New Wedding Center/Event Center.
- Existing tennis courts will be converted to pickleball courts.
- Five new homes will be accessed through the Links but will be in the rental pool.
- Two cottages will be accessed by golf paths and will be in the rental pool.
- New hotel rooms will now be condominiums configured in buildings containing 6 to 10 units. Units will not have kitchens.
- The Applicant represents that this is part of its agreement with Marriot to be a Marriot Autograph Collection Facility.
- There will be 2 phases. Both plats may be recorded simultaneously.
- The Homestead was allowed in the past to follow existing architecture on site rather than Old Swiss.
- 465 required stalls but 510 will be built. Up to 609 will be constructed if needed.
- The entrance to the Homestead from Homestead Drive will be relocated southward.

LAND USE SUMMARY:

- Resort Zone (RZ)
- Two phases
- 71.97 acres
- 55.79 acres of open space
 - Phase 1 – 33.44 acres
 - Phase 2 – 20.35 acres

- 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.
- An 8' paved public trail is planned to run north and south through the length of the property along Homestead Drive.
- Sensitive lands on the property include The Crater and wetlands

Staff met with the representatives from the Homestead and the Homeowner Associations of the Links (to the south of the Homestead) and the Kantons (to the north of the Homestead). They reviewed plans provided by the developer and obtained input from the neighbors most affected.

The discussed plan for the southern boundary adjacent to the Links is for the Homestead to construct a precast concrete wall and landscaping, with trees to be placed so as not to block all views but to help mitigate the potential impacts from the southern parking lot. Bollard lighting will be used in the south parking lot to alleviate light nuisance to the Links and new lighting to be dark sky compliant. On the north end, the Kantons are at a higher elevation so should have fewer issues with light trespass. There will be a continuation of a split rail fence that runs along the west of the Homestead that will continue along the northern boundary. The Homestead will be subject to a 30 foot setback on the north, south, and east property lines and a 100 foot setback area along Homestead Drive.

Emergency access will be addressed through use of pavers.

Open Space: The code requires 55% open space which is being met with 55.79 acres (77.5%) of open space.

Density: The proposal includes 68 condominiums and seven single-family dwellings, along with all the existing hotel rooms currently in the resort. The number of rooms that will be added to the resort will be approximately 139, which brings the total number of rooms to approximately 264 once construction is complete (this number is approximate because it is unknown how many rooms will be in the single-family dwellings).

Water: The Water Board reviewed the proposal on May 6, 2024, but continued the item so more information could be gathered. Once a determination is made regarding required water rights, the required water rights will need to be held in escrow before the recording of the master plan. Water rights will then be dedicated to the City with the recording of the plats.

Building Area: The proposed plan includes a building footprint area of 238,376 square feet. The maximum amount of building footprint is limited to 367,750 square feet. Per the master plan agreement, it is allowed that the developer can increase the building area through the preliminary and final approval process of each phase.

Traffic Study: The developer has submitted a traffic study, which Horrocks Engineers have reviewed and have requested an updated traffic study. There will be requirements from UDOT regarding the

changes to the entrance along Homestead drive such as turning lanes and acceleration/deceleration areas.

Architecture Theme – The developer did receive approval that all structures in the proposal follow the traditional architectural design of The Homestead and not the Swiss and Old European theme the City has adopted. All buildings will be reviewed by the Visual and Architectural Committee (VAC) and staff before building permits are issued.

Branding: The Homestead has entered into an agreement (minimum 30 years) with Marriot hotels and the Homestead will be a Marriot Autograph Collection entity. The applicant advises that many of the revisions in the current proposal are to satisfy the requirements of the contract with Marriot. Although condominiums replace hotel rooms and could be sold, the applicant advises that the governing regulations will require they be placed in the hotel rental pool for the majority of each year so there will be no full-time residents.

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 completing the public trail along Homestead Drive.
- Amenities will be created that will be accessible year-round, which will invite more tourists to visit the resort in all seasons.
- The proposal will increase traffic to the surrounding community.

Proposed Conditions

1. The public trail that parallels Homestead Drive will be built by August 1, 2024.
2. A light mitigation plan shall be submitted to the City, and agreeable to the City, that will mitigate the potential impact to the residents of The Links through a combination of a berm, landscaping, and a non-sight obtrusive fence.
3. All existing lighting and planned lighting in the resort will comply with current Midway requirements. Existing nonconforming lighting in each phase must be brought into compliance within a year of recording the plat where the lighting is located.
4. 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.

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. All required parking for each building and use shall be completed before the certificate of occupancy is issued for each building in both phases.
7. A UDOT approval document is submitted to the City for the new access location on State Route 222.
8. The traffic study is updated based on the current plan before the item is reviewed by the City Council.

Mr. Henke stated that he believed all conditions were acceptable to the Homestead and asked representatives of the Homestead to correct him if this was in error. No correction was made. Representatives of the Homestead in attendance included Jodi Hoffman and Lauren Bolger (legal counsel), Ben Shakespeare (principal), and Paul Berg (engineer).

Comments

Paul Berg from Berg Engineering explained the changes to the Master Plan and showed a slide of the comparisons of the different approved Master Plans over the years. He highlighted the fact that the Homestead is significantly under the number of units (keys) and square footage of development approved under the existing master plan and amendment.

Lauren Bolger, as attorney for the Homestead, addressed the Commission and explained that the new condominiums and residences will be managed under the Marriot agreement and will be placed in the rental pool pursuant to the Covenants, Conditions & Restrictions (CC&Rs). Ms. Bolder confirmed the Homestead's willingness to add Midway City as a third party beneficiary to the CC&R's occupancy provisions which restrict residency by owners.

Public Comment was opened by Commissioner Jeff Nicholas

Reid Kellam, who resides in the Links, raised concerns about the south parking lot and associated issues such as doors slamming, engines running, etc. He also wondered how long the construction would take given that they have been looking at construction for several years.

Donald Ingraham of Rainbow Lane appeared by zoom and questioned the size of the new residences to be built and accessed through the Links. Paul Berg advised that the designs for the buildings are not complete but that the building pads are approximately 3000 square feet with 30 foot setbacks and that they will be nightly rentals. Mr. Ingraham asked if the Homestead would consider making landscaping improvements for homes like his akin to what was being done for the Links and the Kantons. Mr. Berg advised they could talk about it but unlike the situation with the Links, the Homestead had no obligation to take such action for this property owner under the Master Plan. Mr. Berg further advised that drainage would be taken care of in the designs.

David Larchez and Tom Petersen, management of the Swiss Creek HOA, appeared by zoom. They

expressed concerns with construction traffic along Mountain Springs Road. Wes Johnson, Midway City engineer, confirmed that the current plans have no connectivity to Mountain Springs Drive and that there should be no construction traffic on that road. This was confirmed by Ben Shakespeare on behalf of the Homestead.

All who spoke said they supported what the Homestead was doing and hoped they succeeded but wanted the Homestead to consider and address the issues raised.

Patrick Turpin, President of the Links' HOA, confirmed that representatives of the Homestead, City Planning Staff, and Members of the Links HOA met last week and reached the agreement summarized by Mr. Henke and Paul Berg.

Public Comment was closed by Commissioner Nicholas

Commissioner Garland asked about the water shares and from where they would come. Mr. Hencke advised that much of the water comes through long term leases. No culinary water will go toward irrigation. Additional information is needed as to the water requirements for the Wedding Barn/Event Center. The matter is still before the Water Board for finalization.

Motion: Commissioner Garland: I make a motion that we recommend Preliminary Approval of Phases 1 and 2 of the Homestead Resort, accept the staff report, the findings, and the eight (8) conditions set forth in the report. The preliminary application includes 68 condo units, seven residential units, and seven resort amenity buildings. The preliminary plan is on 72.01 acres and is located at 700 North Homestead Drive.

Seconded: Commissioner Nokes

Commissioner Nicholas: Any discussion on the motion?

Commissioner Nicholas: All in favor.

Ayes: Commissioners: Osborne, Nokes, Miles, Knight and Garland

Nays: None

Motion: Passed

Item 3:

Commissioner Nokes recused himself since he is the applicant on this item.

Travis Nokes is requesting Final Approval to subdivide the Robey Building of Springer Farms into a commercial condominium. The proposal would subdivide the Robey building (Unit 4) into ten units. The Robey Building will consist of seven short-term rentals on the upper floor and three commercial units on the lower floor. The property is located at 65 N 200 W and is in the C-3 zone.

Michael Henke gave a presentation.

Mr. Henke advised the Commission that nothing has changed since preliminary approval. Unit 4 is currently under construction and the units may be sold. Springer Farms CC&Rs will govern all the

units in the development which will be in charge of exterior maintenance. The landscaping and parking areas are recorded as common area and will be maintained by the Property Owners' Association.

The original approval of Springer Farms as a Conditional Use required:

- Fencing be installed per the proposed fencing plan and compliance with City requirements.
- The windows facing off the property on the second floor of any buildings had to have window coverings installed on them.

In response to questions about the window coverings required, Mr. Nokes advised that there are no current requirements that the window treatments be a certain color or consistent across the units. Mr. Nokes said that the second floor units will be furnished and blinds installed by the developer, so they will be consistent at the onset, but purchasers would be able to refurnish the interior (not the exterior).

The Visual and Architectural Committee (VAC) reviewed renderings for the proposed development during their meeting on December 14, 2022. Signage will need to be reviewed and approved when more information is submitted.

Possible Findings

- The proposal will benefit the City financially by creating a greater tax base and by providing more commercial options to the community.
- The proposal may help the City better comply with State requirements regarding the ability to collect resort tax.
- Commercial condominium developments are a conditional use in the C-3 zone.

Recommended Conditions

None

Motion: Commissioner Garland: I make a motion that we recommend Final Approval to subdivide the Robey Building of Springer Farms into a commercial condominium and accept the staff reports, findings and conditions. The proposal would subdivide the Robey building (Unit 4) into ten units. The Robey Building will consist of seven short-term rental units on the upper floor and three commercial units on the lower floor. The property is located at 65 N. 200 W. and is in the C-3 zone.

Seconded: Commissioner Miles

Commissioner Nicholas: Any discussion on the motion?

Commissioner Nicholas: All in favor.

Ayes: Commissioners: Osborne, Nokes, Miles, Knight and Garland

Nays: None

Motion: Passed

Item 4:

URE Fund 1 Swiss Haven Homes LLC is petitioning for annexation of a 0.71-acre portion of parcel 14-1429. The property is in the Midway Growth Boundary and located at 850 Bigler Lane. The proposed zoning for the property is Resort Zone (RZ).

Michael Henke gave a presentation.

The City approved this project in 2000. Water rights were moved (but still need to be dedicated). The County Surveyor, with help from Randy Lundin, discovered a discrepancy that this .71 acre portion was not within the City limits. The applicant is seeking to remedy this issue and bring this .71 acre into the City to make consistent with the remaining (larger) portion of parcel 14-1429 which is already in the City. A parcel straddling the City/County line creates many issues such as voting, different tax rates, etc.

The property is in the County and is zoned RA-1. It will be zoned resort zone if approved by the City Council. This property is part of the Zermatt development. Phases C and D received final approval in 2000. The City did not have an approved sunset ordinance at that time, so the approval remains. The plat will be a planned unit development plat with 22 building pads and common space that will be maintained by the Property Owner's Association. The entire property is zoned Resort Zone and is in the Transient Rental Overlay District.

Annexations are a legislative action. The property in question is in the Midway Growth Boundary and will not create an incorporated peninsula.

Possible Findings

- The proposal is a legislative action.
- The proposed annexation does comply with the intent of the annexation code.
- The Swiss Haven PUD was approved by the City in 2000 and it appears at the time of approval, the City understood that the entire parcel was in the City limits.

Proposed Conditions

1. The Swiss Haven subdivision plat is not recorded until the Swiss Haven Annexation plat is recorded.

Motion: Commissioner Garland: I make a motion that we recommend approval of Swiss Haven

Homes LLC's petition for annexation of a 0.71-acre portion of parcel 14-1429 and accept the staff report, findings, and proposed condition that the Swiss Haven subdivision plat is not recorded until the Swiss Haven Annexation plat is recorded. The property is in the Midway Growth Boundary and located at 850 Bigler Lane. The proposed zoning for the property is Resort Zone (RZ).

Seconded: Commissioner Miles

Commissioner Nicholas: Any discussion on the motion?

Commissioner Nicholas: All in favor.

Ayes: Commissioners: Osborne, Nokes, Miles, Knight, and Garland

Nays: None


Motion: Passed

Adjournment

Motion: Commissioner Osborne

Second: Commissioner Miles

7:50 PM



Commissioner – Jeff Nicholas



Planning Tech – Melannie Egan

