

Midway City Planning Commission Regular Meeting Minutes July 9, 2024

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., July 9, 2024, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Andy Garland – Vice Chair
Travis Nokes
Andrew Osborne
Laura Wardle
Gene Miles
Craig Knight (Alt)
Kim Facer (Alt)

Staff

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

Excused

Kelly Lineback
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

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of June 11, 2024, with the corrections noted.

Motion: Commissioner Osborne: I make a motion that we approve the Planning Commission Meeting Minutes of June 11, 2024.

Seconded: Commissioner Nokes

Commissioner Garland Any discussion on the motion?

Commissioner Garland: All in favor.

Ayes: Commissioners: Wardle, Osborne, Nokes, Miles, Facer, Knight

Motion: Passed

Item 2:

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

Land Use Summary

- Resort Zone (RZ)
- Two phases
- 71.97 acres
- 55.79 acres of open space
 - Phase 1 – 35.44 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

Homestead Master Plan

- Addition of New Buildings or Expansion of Existing Facilities not included in subparagraph (d) and (e). The developer has the right to build up to 367,750 square feet of building footprint, which may involve expanding the footprint of existing buildings or proposing additional buildings within the Resort Core. Any square footage proposed above that currently shown in the approved Master Plan will be addressed through preliminary and final approval of each phase of the Development and will not require amendment to the Master Plan. The Parties agree that required parking beyond that currently shown in the Master Plan may be considered and required during preliminary and final approval of the additional square footage in order to meet parking needs created by the expanded use. Request for additional square footage shall require recalculation of water needs, parking, demonstration of conformity with existing zoning code and setbacks, and be subject to architectural review.

Site Plan

- 125 hotel rooms (existing)
- 4 condominiums (existing)
- 68 new condominiums
- 7 new single-family dwellings
- 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
- 2 phases
- One ownership of entire property except
 - 4 existing condominiums units may be sold separately from resort
 - 68 proposed condominiums units may be sold separately from resort
 - 7 residences may be sold separately from resort
- Public trail that parallels Homestead Drive

Proposed to be built by Summer of 2024

Site Master Plan

- 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

Discussion Items

- Homestead Drive improvements
- Emergency access
- Marriot Autograph Collection
- Dark sky lighting
- Water rights requirements

Water Board Recommendation

- Motion: Midway Irrigation Member Mike Lundin made a recommendation to the City Council to accept the water calculations for The Homestead Resort as presented tonight, of 87.19 acre feet for the new proposed uses, however the board does have concern over the leased water that has a term with the State Park, as well as what is being asked is different than City policy in dedicating water to the City.
- Midway Irrigation Member Russ Kohler 2nd the motion.

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 during the first summer season of construction to help mitigate nuisance issues related to construction activities.
5. With respect to Open Space Parcels 1-7 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.

Homestead Resort 2024 Plan Comparison

2024 Homestead Plan Comparison with the Master Plan Agreement

Item	2008 Agreement	2024 Preliminary Plan
Total Area	72.01 acres	71.97 acres
Open Space & Amenities	55.46 acres (77.0%)	55.79 acres (77.5%)
Building Area - approved	367,750 square feet	238,376 square feet
Building Area - shown	294,200 square feet	238,376 square feet
Density	5,107 sf/acre	3,312 sf/acre
% of Allowed Density	43%	28%
Existing Units to Remain	45	125
Proposed New Units	200	68
Total Units	245	193
Golf Course Cottages	7	7
Existing pool	Yes	No
New Swimming Pools	Yes - near Homestead Drive	Yes - near east side of Crater
New Spa Building	Yes - near tennis courts	Yes - near Snake Creek
New Golf Pro-Shop	Yes - near Hole #1	Yes - near Hole #1
New Cart Storage Building	Yes - part of new proshop	Yes - near Hole #1
New Maintenance Building	Not shown on master plan Part of 25% allowance	Yes - east side of driving range
Wedding Barn	Not shown on master plan Part of 25% allowance	Yes
New Access Road	Yes - at Bigler Lane	Yes - Further South

Comments

There was a discussion regarding the tax benefit. Larn Bolger stated that they didn't have any dollar amount, however every added pillow will increase the resort tax.

What is the trigger for increasing parking? It would be if the city engineer, and planner would determine if there is a problem that would trigger the increase the parking. Paul Berg stated that the area will be in the northwest area.

There was a question regarding the UDOT approval letter and could they begin improvements. Wes stated that the sewer, ditch trail and other things can be improved, however there can be no building done until this approval is received.

There was clarifying that the many leases all have a 99-year lease clause, so those would not impede progress.

Motion: Commissioner Wardle: I make a motion that we recommend approval for proposing Final Approval of Phases 1 and 2 of The Homestead Resort. The final application includes 68 condo units, seven residential units, and resort amenity buildings. The final plan is on 72.01 acres and is located at 700 North Homestead Drive. The property is zoned Resort Zone (RZ). We Include the staff findings and all seven conditions.

Zone (RZ). **Seconded:** Commissioner Nokes

Commissioner Garland: Any discussion on the motion?

Commissioner Garland: All in favor.

Ayes: Commissioners: Wardle, Osborne, Nokes, Miles, Facer, Knight

Nays: None

Motion: Passed

Item 3:

Akiteon LLC is petitioning for annexation of the Old Trace Annexation which consists of 3.5 acres. The property is in the Midway Growth Boundary and located at 1221 North Pine Canyon Road. The proposed zoning for the property is RA-1-43 (residential-agricultural 1-acre).

Michael Henke gave a presentation.

Land Use Summary

- 3.5 acres
- Wasatch County zone RA-1
- Proposed Midway zone RA-1-43
- 1 proposed lot
- Future planned trail along Pine Canyon Road
- Does contain areas of high-water table
 - No wetlands were identified in the sensitive lands analysis

Items to Consider

- Access – The parcel abuts North Pine Canyon Road and access would be from North Pine Canyon Road. The minimum width and frontage requirements in the requested RA-1-43 zoning is one hundred and fifty (150) feet, which the proposed concept plan meets.
- Density –The concept plan calls for two lots. Lot 101, comprising 3.31 acres, on the northern half of the parcel, and Lot 102, comprising 3.33 acres, on the southern half of the parcel.
- Water – There are no water shares associated with the parcel. The applicant will have to acquire/provide the necessary water and dedicate the rights to the City before a subdivision plat is recorded.

Possible Findings

- The proposal is a legislative action.
- The proposed annexation does comply with the intent of the annexation code.
- The City will gain control over land use and zoning if the area is annexed.
- The proposal will increase density and traffic to the area, but the density of the project is relatively low at a single-family dwelling on 3.5 acres. This will help promote the vision of the general plan to preserve more open area and a rural atmosphere.
- Annexation would promote connectivity of trails and bike lanes set forth in the Midway City General Plan.

Recommended Conditions

1. All required water rights will be dedicated to the City, before the subdivision plat is recorded, as recommended by the Midway Water Advisory Board
2. A deed restriction is recorded on the lot that in perpetuity restricts the lot from being further subdivided and a note is included on the subdivision plat that explains this limitation on the lot.
3. The owners shall dedicate the remaining portion of the right-of-way needed for Pine Canyon Road (which will include use as a bike lane). The owners will also dedicate a 20' public trail easement along the east side of the property. The dedications are required as part of the subdivision plat.
4. Funds to build the bike lane along Pine Canyon Road are added to the general trails fund. Those funds will be used as part of a larger improvement project that will complete the bike lane along the entirety of Pine Canyon Road.
5. Funds to build the pedestrian trail along Pine Canyon Road are added to the general trails fund. Those funds will be used as part of a larger improvement project that will complete the pedestrian trail along the entirety of Pine Canyon Road.
6. The driveway to the lot which accesses Pine Canyon Road, shall have a turn around so that no vehicles will back into Pine Canyon Road.
7. A park donation fee of \$2,061.89 is required prior to recording the annexation plat. A trail fee of \$4,950.50 to be paid by the applicant prior to recording the annexation plat.
8. The applicant shall comply with all Midway City, Midway Sanitation District, and Midway Irrigation Company Requirements for water and sewer.

Comments

There was a question regarding

Jared Hutchings introduced himself to the community.

Travis Nokes asked a few minor questions

Public Comment Open

None

Public Comment Closed

Motion: Commissioner Nokes: I make a motion that we recommend approval for the petitioning for annexation of the Old Trace Annexation which consists of 3.5 acres. The property is in the Midway

Growth Boundary and located at 1221 North Pine Canyon Road. The proposed zoning for the property is RA-1-43 (residential-agricultural 1-acre). We also approve the staff findings and the eight conditions listed in the report.

Seconded: Commissioner Wardle

Commissioner Garland Any discussion on the motion?

Commissioner Garland: All in favor.

Ayes: Commissioners: Wardle, Osborne, Nokes, Miles, Facer, Knight

Motion: Passed

Item 4:

Mickey Carusillo, agent for MC Midway Acquisitions LLC, is requesting a Conditional Use Permit for a mixed-use development that will include commercial and a residence. The property is located at 203 East Main and is in the C-2 zone.

Michael Henke gave a presentation.

Land Use Summary

- C-2 zone
- 0.7 acres
- Commercial use in the southern building
 - Building will be deed restricted to only commercial uses
- Northern building will be converted to a residence from a commercial kitchen
 - Hard surface driveway and parking for two stalls is required

Possible Findings

- The proposed use is a conditional use in the C-2 zone.
- The proposal is consistent with the vision of the General Plan for Main Street.

Recommended Conditions

1. The applicant needs to submit a site plan and include delineation of required parking for the proposed residence. The application may be continued pending such submission or any approval of the conditional use application should be conditioned upon parking approval, including number of spaces, location of spaces, and ensuring that traffic is not backing onto 200 East.
2. A commercial deed restriction must be provided to the City for review and approval. The deed restriction shall be recorded before the Certificate of Occupancy is issued for the dwelling.

Comments

Allen Fronson spoke about the building renovations, and it was stated that it will be mostly cosmetic, paint and freshen it up.

Motion: Commissioner Osborn: I make a motion that we recommend approval for a Conditional Use Permit for a mixed-use development that will include commercial and a residence. The property is located at 203 East Main and is in the C-2 zone. Include the staff 2nd condition as condition 1 has already been met.

Seconded: Commissioner Knight

Commissioner Garland: Any discussion on the motion?

Commissioner Garland: All in favor.

Ayes: Commissioners: Wardle, Osborne, Nokes, Miles, Facer, Knight

Motion: Passed

Item 5:

Ben Probst, of the Wayne W Probst Family Living Trust, has submitted a preliminary/final application for a small-scale subdivision to be known as Probst Meadow Subdivision. The preliminary/final plan includes three lots on 2.4 acres. The property is in the R-1-9 zone at 305 West Main Street.

Michael Henke gave a presentation.

Land Use Summary

- 2.4 acres
- Zone R-1-9
- 3 proposed lots
- 1 existing dwelling
- Located in the original 21 lots of the historic Midway plat

Discussion Items

- Single-family dwellings unless required water is dedicated to the City for duplexes and if the code allows for duplexes when an application is submitted
- Nonconforming structures
- Existing nonconforming fencing must be removed before plat is recorded

10.07.010 Water Needs

- Because Midway City does not have sufficient water rights to supply the needs of projected new connections for full municipal build-out, those who apply for new connections to the City water system will be required to convey to the City water rights sufficient to accommodate the needs of the proposed new structure or development. As an exception to this requirement, any parcel of land measuring 0.8 acres in size or greater that is located within the original 21 blocks of the City of Midway plat, and that does not already have an existing culinary water connection to the Midway City water system, shall be entitled to receive a credit of culinary water rights sufficient to serve one equivalent residential unit for each full 0.8 acres of land contained within the parcel. This exception applies to water rights for indoor culinary use only

and does not grant rights needed for outside irrigation.

Recommended Water Requirements

- 2.4-acre parcel (104,544 sq. ft.)
 - Impervious area for dwellings, accessory structures, hard surfaces
 - 0.55 acres (24,000 sq. ft.)
 - Irrigated acreage
 - 1.85 acres (80,544 sq. ft.) x 3 = 5.55 acre feet
- 3 culinary connections for dwellings
 - 2.4 acre feet
 - Credit of 1.5 for existing dwelling and historic irrigation
- Credit of 1.6 for two historic lots of 0.8 acres
- Total = 7.95 – 3.1 = 4.85 acre feet

Possible Findings

- The proposed lots meet the minimum requirements for the R-1-9 zoning district.
- The proposal does meet the intent of the General Plan for the R-1-9 zoning district.
- The subdivision as proposed contributes to the goals set forth in the Midway City General Plan by reducing density and keeping the area more open and rural feeling.
- 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, 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.

Recommended Conditions

1. The existing fence along the north and east of the proposed subdivision shall be relocated where necessary to ensure that all portions of the fence are within the boundary of the proposed subdivision before the recording of the plat.
2. A note shall be included on the plat advising that only single-family dwellings are allowed on the lots unless all requirements are met that would allow a duplex or detached dwelling and the code still allows the option at the time the approval is sought.

Comments

Mike Johnston stated that they don't have any intentions at this time. The family is splitting the trust to the other family members. The owners would like to amend the requirement of moving the fence until there is some kind development. The Probst family do not plan on doing anything for many years

Wes suggested that if the council approves if they would file a record that states that the fence

remain, until the development happens.

Motion: Commissioner Wardle: I make a motion that we recommend approval a preliminary/final application for a small-scale subdivision to be known as Probst Meadow Subdivision. The preliminary/final plan includes three lots on 2.4 acres. The property is in the R-1-9 zone at 305 West Main Street. Approve the staff findings and the recommended conditions with an alteration to modify condition one (1) to include filing a separate document stating that they will move the fence upon development of the lots (building permits) and/or improvements to the existing roads.

Seconded: Commissioner Facer.

Commissioner Garland: Any discussion on the motion?

Commissioner Garland: All in favor.

Ayes: Commissioners: Wardle, Osborne, Nokes, Miles, Facer, Knight

Motion: Passed

Adjournment

Motion: Commissioner Osborn

Second: Commissioner Wardle

7:35 PM

Vice Chairman – Andy Garland

Planning Tech – Melannie Egan