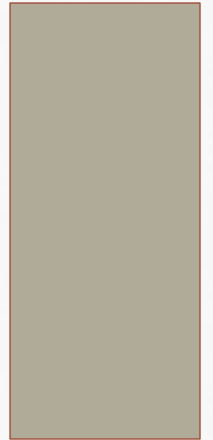


PERFORMING ARTS CENTER & HEIGHT LIMITS

CODE TEXT AMENDMENT



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 AMENDMENT

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:

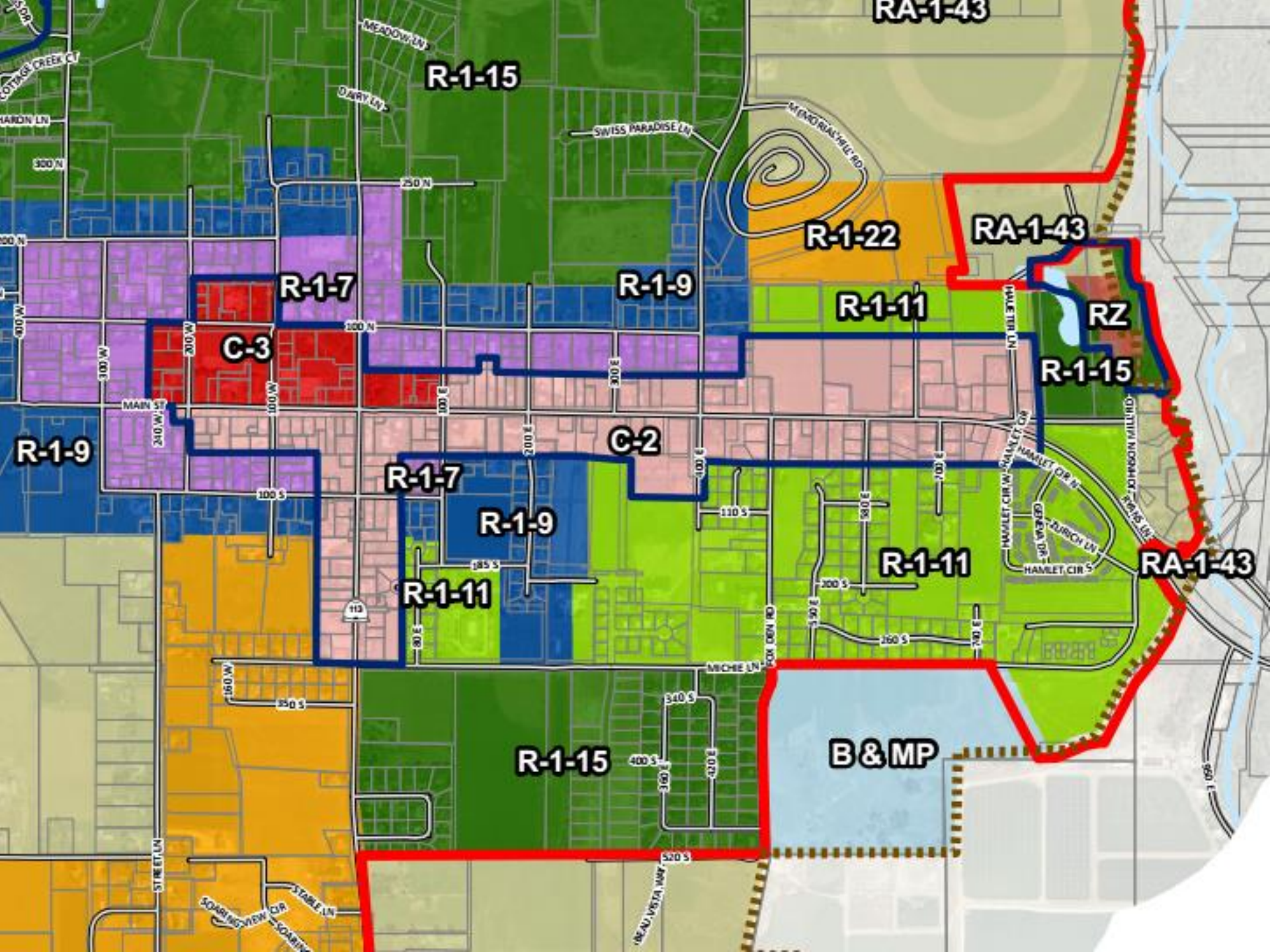
USES	C-2	C-3
Indoor Performing Arts Centers (up to 26,000 sq. ft. footprint) with largest audience venue up to 450 seats, primarily for live performances	C	N

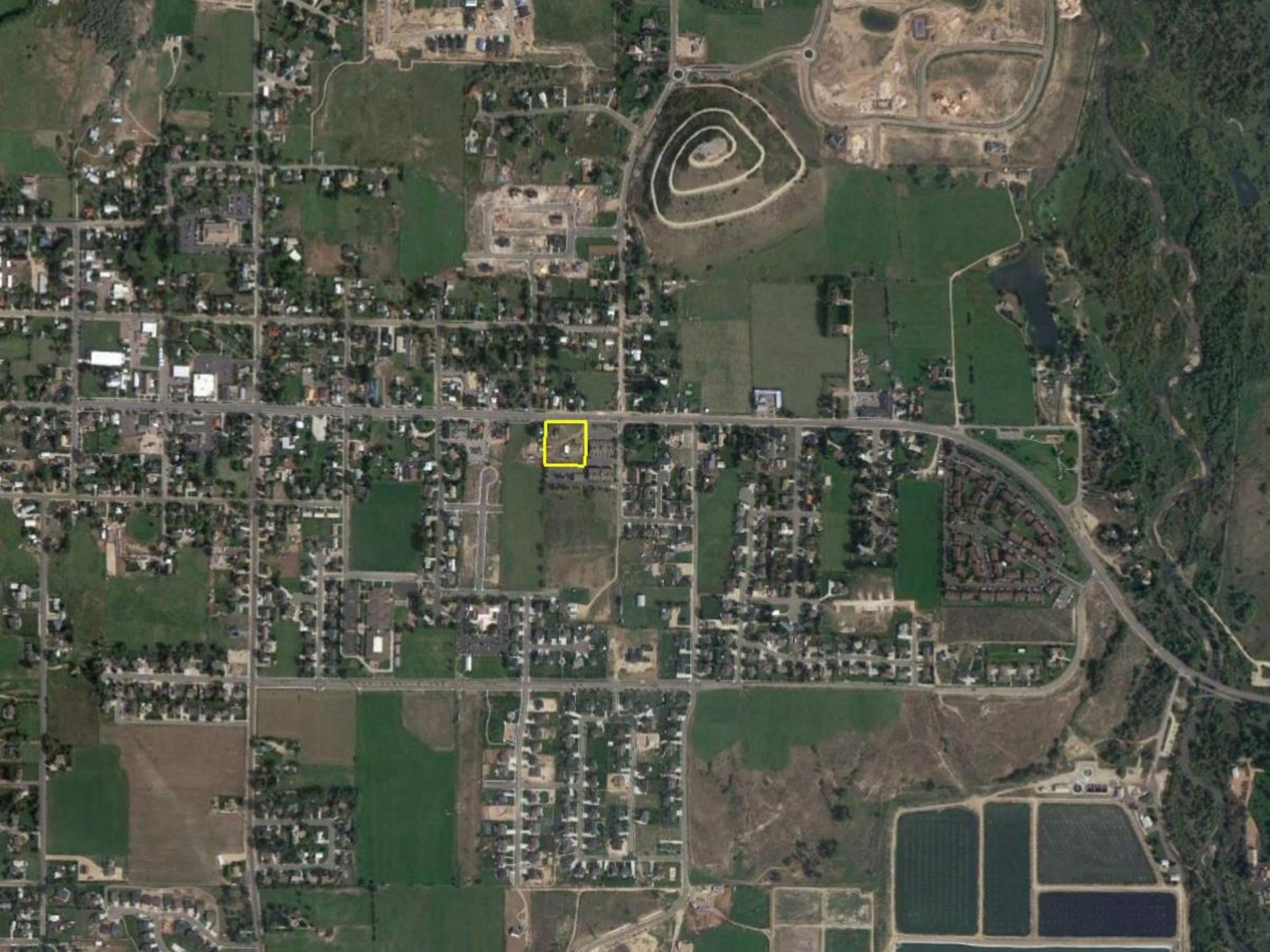
PROPOSED AMENDMENT

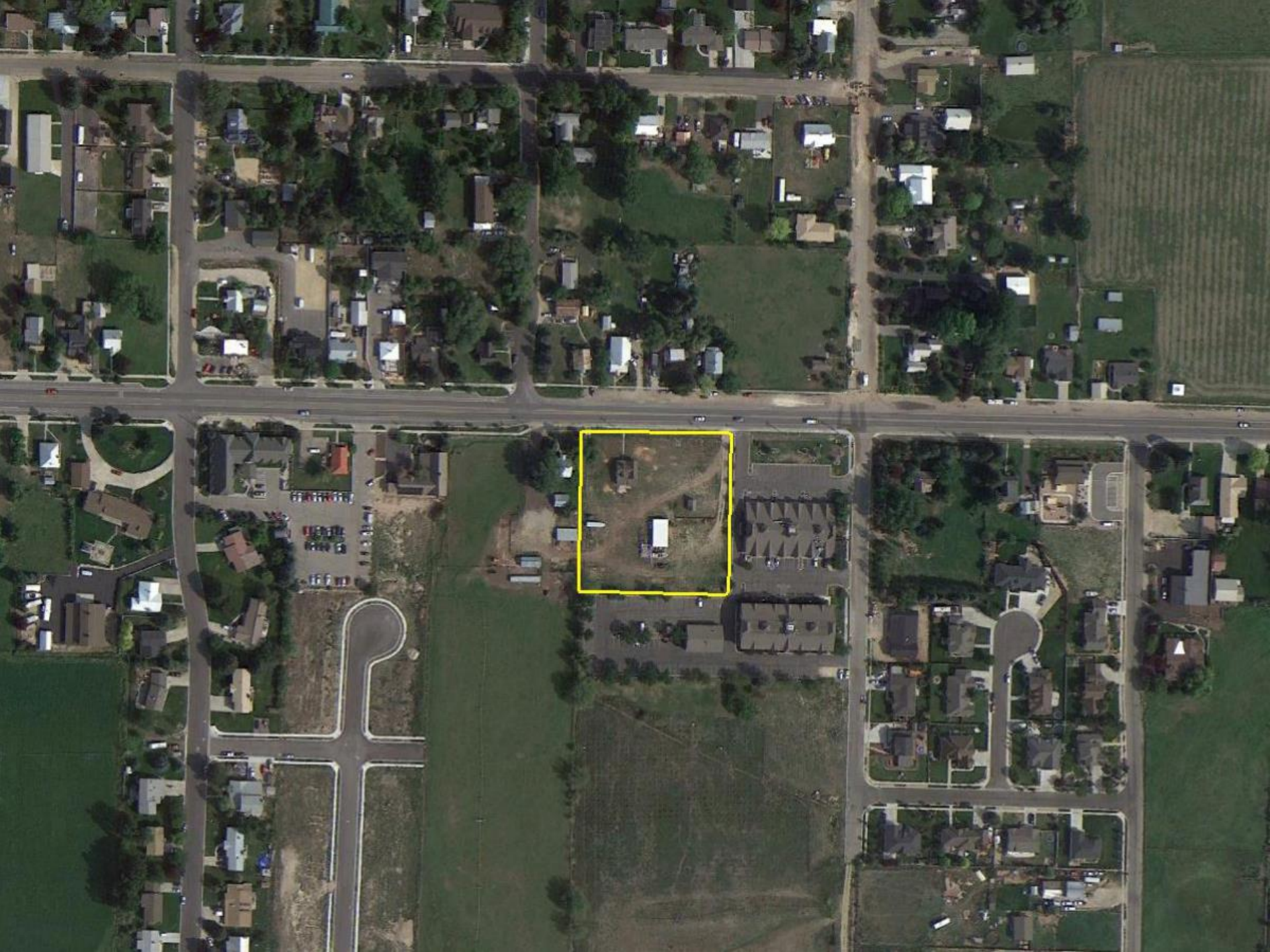
- E. Public buildings, indoor performing arts centers (as to architectural features only), and churches may be erected to any height provided the building is set back from required building setback lines a distance of at least 1 foot for each additional foot of building height above the maximum height 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.

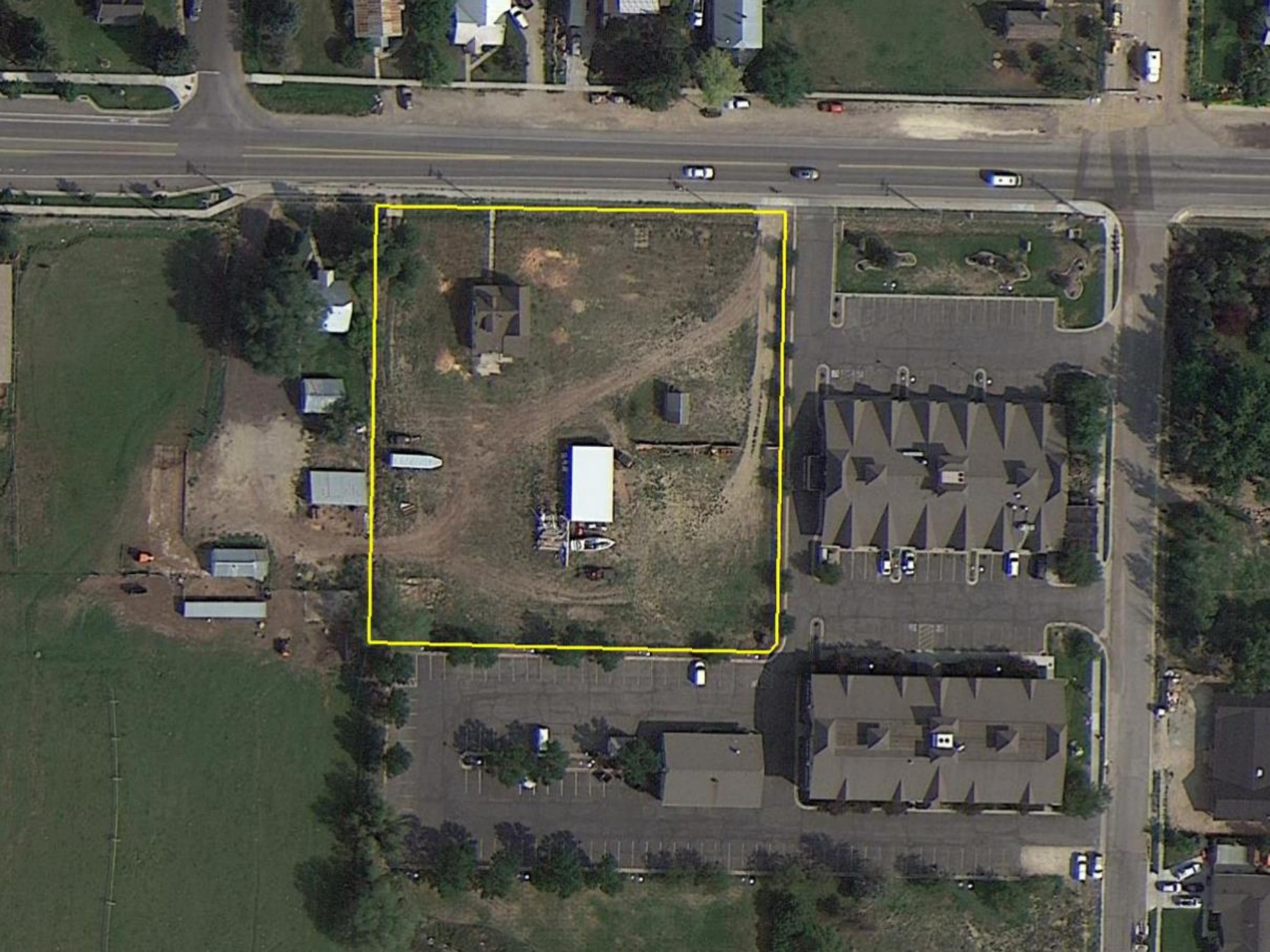
PROPOSED AMENDMENT

- 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









DISCUSSION ITEMS

- In the C-2 zone retail, grocery, and service stores are limited to 25,000 square feet
- 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.
- Spot zoning – either rezoning the parcel or creating an overlay zone over the parcel
- Size comparison with existing Midway structures

ITEMS OF CONSIDERATION

- 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 27.5'
 - 10' standard setback + 17.5' for height of tower (52.5' + 17.5' = 70')

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.

ITEMS OF CONSIDERATION

- Applicant has submitted traffic 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

ITEMS OF CONSIDERATION

Parking – 1 parking space per four patrons, actors, stagehands, and staff

- 125 stalls are required
- 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

ITEMS OF CONSIDERATION

- 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.

ITEMS OF CONSIDERATION

- 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.

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 been submitted

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.

GENERAL PLAN

- 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.

GENERAL PLAN

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.

GENERAL PLAN

Height restrictions

- 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.

Midway Arts Center Foundation

March, 2022

Ryan Hales, PE, PTOE, AICP

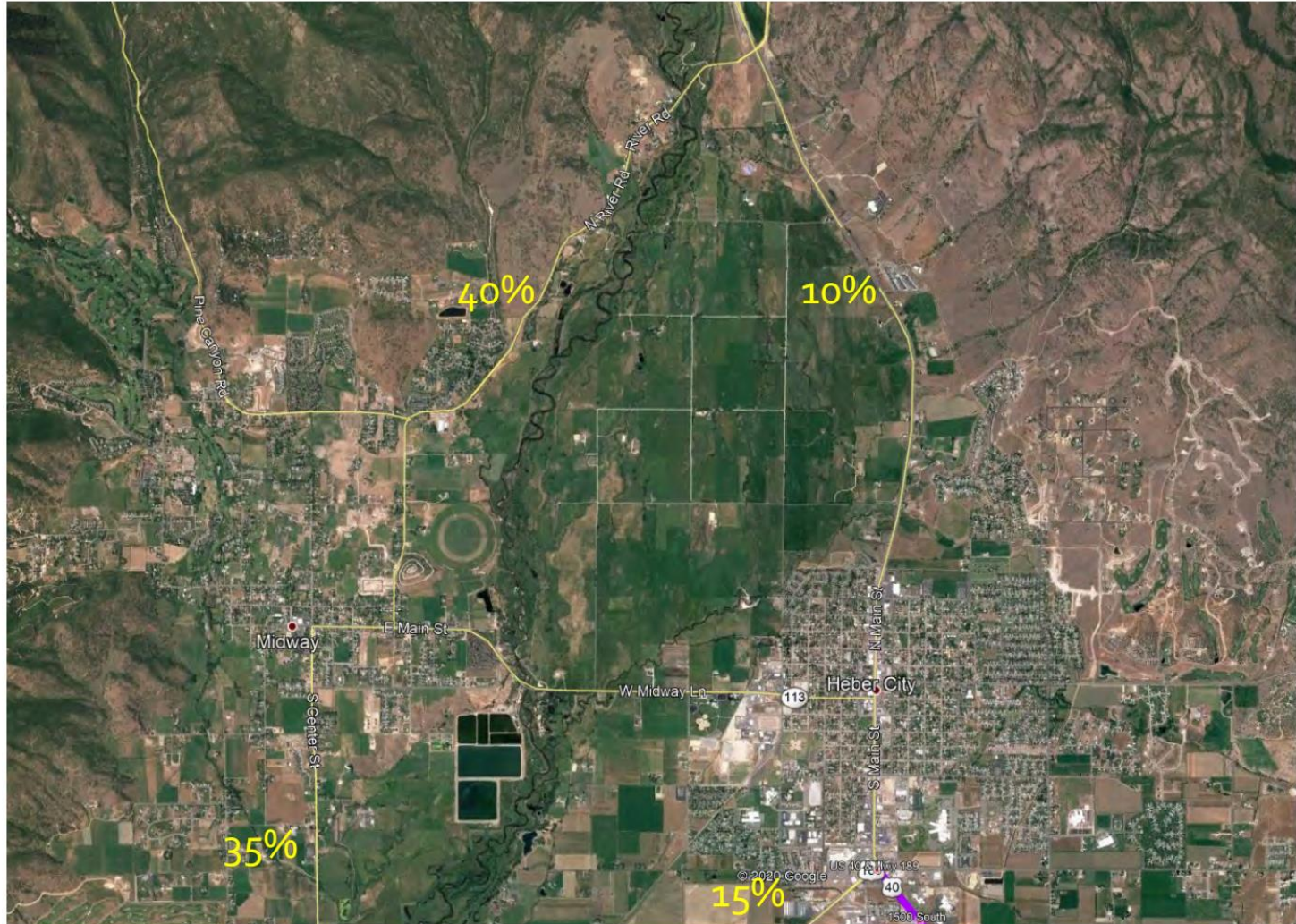
Midway Arts Center (MAC)

- Maximum venue seating
 - Main Stage = 450 seats
 - Black Box = 225 seats
 - Recital Hall = 125 seats
 - Large Rehearsal Hall
 - Smaller Rehearsal Hall
 - Dressing Rooms
- 40 Actors / stage-hands
- 10 staff / ticket takers
- The MAC will only run one theater at a time
- Start time will be consistent with other theater venues in Utah
 - 7:30 pm start
 - After peak traffic flows
- Distribution will be 50% from north (Salt Lake, Park City), and 50% from the south (Orem, Provo)

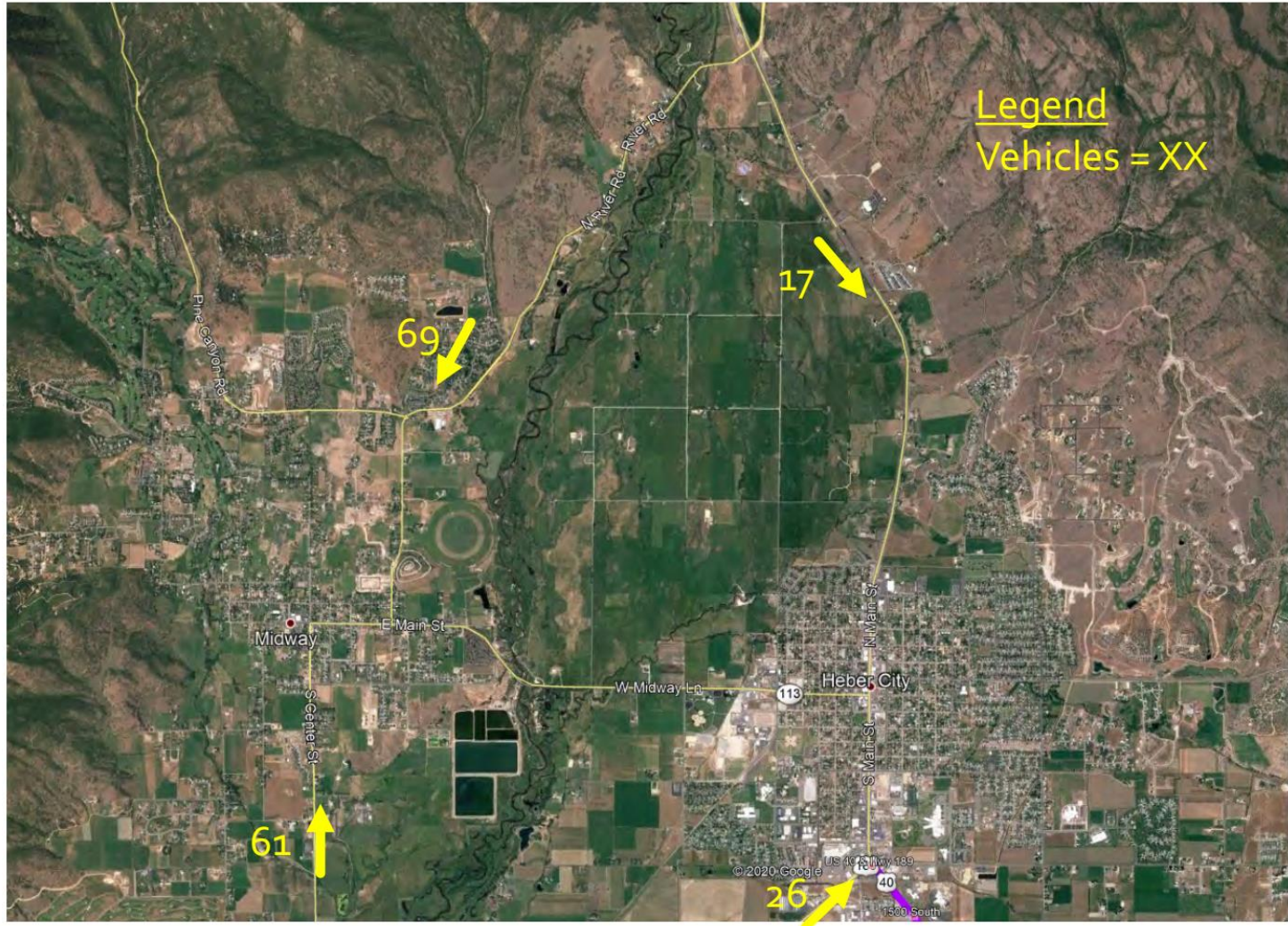
MAC - Maximum Event Trip Generation

Midway Arts Center Trip Generation							
P.M. Peak Hour Land Use ¹	Number of People ²	Trip Generation	% Entering	% Exiting	Trips Entering	Trips Exiting	Total p.m. Trips
Live Theater (Patrons) ²	450	180	96%	4%	173	7	180
Live Theater (Actors, stage hands, staff) ³	50	50	90%	0%	45	0	45
Project Total p.m. Peak Hour Trips					218	7	225
1. Land use information provided by the High Valley Arts Foundation 2. Assume 2.5 people per vehicle 3. Assume 1 person per vehicle, however; this group will arrive before the event in loading begins SOURCE: Hales Engineering, 2020							

MAC - Event Trip Distribution



MAC - Event Trip Distribution (in-load)



Project Accessibility



Midway Art Center

City Council and Mayor Discussion Follow-up

Making the MAC Smaller – We are Proposing a New, Smaller Concept

- Clayton Vance has developed a new concept that reduces the MAC footprint ~13.33%, from 30,000 square feet to ~26,000.
- The new concept also reduces the street-front width of the MAC ~19%, from 200 lineal feet to 162 ft. The next door Millstream building is 157 ft. wide.
- The new concept would also reduce main theater seats ~22%, from 450 to 350, but would preserve space to expand up to 450 seats, if needed. This will not reduce the footprint, but will reduce parking and traffic needs initially.
- Other options were explored to further reduce the footprint and were found to be untenable, due to significant loss of necessary venue functionality or a significant increase in building expense.

Making the MAC Look and Feel Smaller

- In addition, landscaping and architectural elements will be developed and implemented to further reduce the size impression and beautify the space. Drawings will be submitted when complete.
- A larger set-back (from the current 50') was explored and determined unfeasible due to onside parking needs on the back of the building.

Clayton Vance new drawings



Clayton Vance new drawings



River Road view of Millstream and The MAC



How does the MAC compare to other Utah performing art theaters in size?

Very Large

Scera (Outdoor) 3,500
Eckles Theater (SLC) 2,468*
Tuacahn 2,250
Kingsbury Hall 1,992*
Capital Theater 1,876

* Also has smaller
"black box" theater
of 150-460 seats.

Large - Medium

DeJong Hall 1,451
Eckles Theater (Logan)
1,100
Heritage Theater 1,000
Pioneer Theater 932
Englestad Theater 921
Hale Theater (Sandy) 900*
Peery's Egyptian 800
Randle Theater 770
Noorda Center, 763
Libby Gardner Hall 680
Covey Center 670

Small to Very Small

Herman Hall 613
Pardoe Theater 612
Hale Theater (New) 568*
West Valley Theater 520
Rose Wagner Theater 500*
Scera (Indoor) 450
Center Point Theater 450*
Mid Valley Center 400*
Proposed MAC
350→450*
Hayes Christensen 333

Note: While not a performing arts
theater, the Avon Theater in
Heber City has ~400 seats.

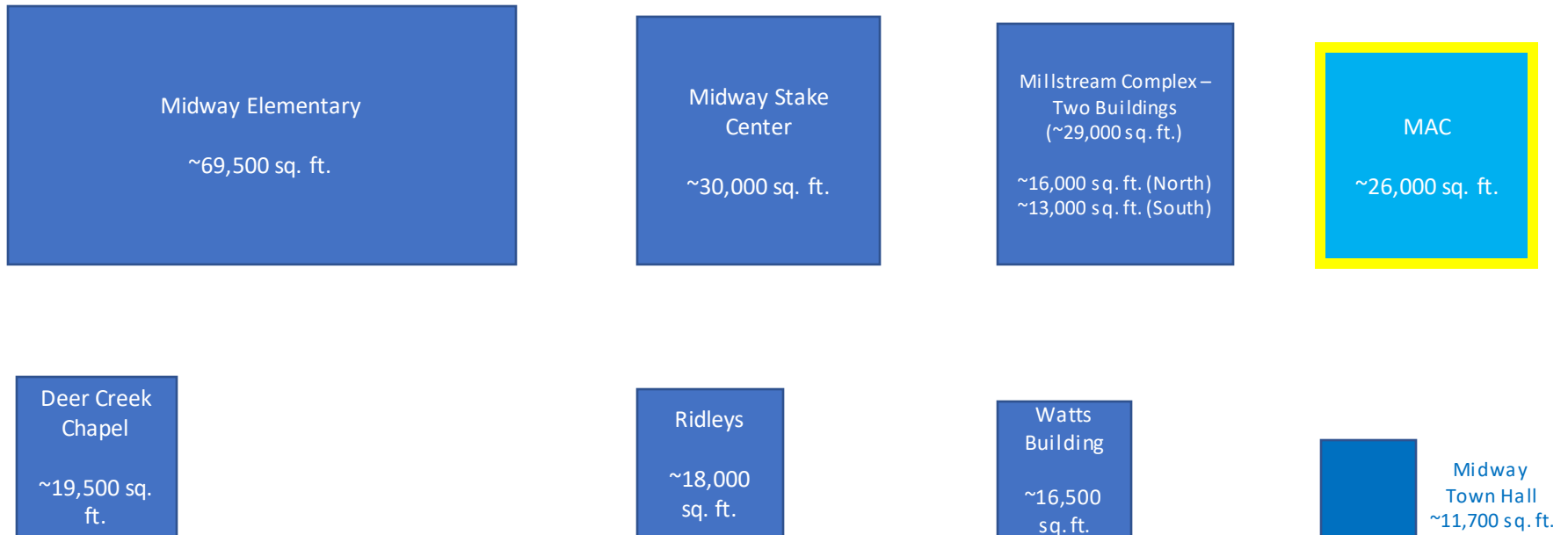
Tiny

Orem Hale 274
Egyptian Theater 266
Anes Theater 200

There are many other local
university and community
venues of <250.

Note: While not a performing arts
theater, the Ideal Theater in
Heber City has ~260 seats.

How does the MAC compare to other Midway buildings?



	120 ft. 160 ft. 200 ft.	Granary 207 ft.
		Deer Creek Ward 197 ft.
		Midway Ward 193 ft.
		The MAC 162 ft.
		Millstream 157 ft.
		Olde Swiss Square 145 ft.
		Town Hall 132 ft.

How does The MAC's frontage compare with other Midway buildings?

Please note: Midway Elementary is not included here. Its frontage is 468 ft.

Parking and traffic – 6 Plan Improvements

1. The new plan will reduce main theater seats from 450 to 350 ~22%, resulting in a proportional reduction in parking and traffic, then add back theater seats to a maximum of 450 over time, if needed. This plan would NOT, however, reduce the number of parking spaces.
2. The MAC show schedule will start with fewer shows per year (than proposed) and increase over five years to the long-term frequency. This will balance starting smaller to improve parking and traffic needs with the need to reach long-term financial viability as soon as possible.
3. The MAC parking lot entrance will likely be on the west side of the property, further away from the intersection. This will be determined by UDOT.
4. The MAC show tickets will assign attendees to one of two authorized parking lots: 1) The MAC lot; 2) The Old Swiss Square lot.

Parking and traffic continued

5. The MAC will station traffic and parking personnel on site before shows to ensure smooth flow into the parking lots.
6. The parking lease with Olde Swiss Square is legally binding, in perpetuity, and will be recorded on the public record.

Zoning

- Indoor Performing Arts Centers (up to 26,000 sq. ft. footprint) with largest audience venue up to 450 seats, primarily for live performances.
- Public buildings, indoor performing arts centers (as to architectural features only), and churches, may be erected to any height provided the building is set back from required building setback lines a distance of at least one (1) foot for each additional foot of building height above the maximum height permitted.

Community Outreach

- Two on-site charrette neighborhood meetings were held Friday and Saturday. We invited people through Facebook, Instagram, and Ask Midway. We distributed flyers in the neighborhood. We had personal visits with several neighbors who were at home and live across the street. We answered questions of those who attended.
- There will be a Wasatch Wave article next week to inform residents of current progress.

The Community Opinion Survey Was Completed

- ~600 Midway residents were surveyed via questionnaire August 5-8
- 260 responded (45%)
- Questions included:
 - In favor of or against the MAC?
 - Factors that should be considered in approving and building the MAC?
 - Whether the size is too big, just right, or too small?
 - In favor of or against the clock tower?
 - Things purchased when attending a show?
 - Questions they have about the MAC?
- Survey results available for review.
- We are not planning to publicly share the survey.

Residents' questions submitted in the survey and answers...

- Why is this taking so long to get city council approval?
 - Building the MAC at this location requires the city council to change city zoning for the “C2” zone (the commercial area on main street) to allow a small, indoor performing art theater. Some Midway residents and some City Council representatives are concerned about the proposed size of the MAC in Midway, whether there will be adequate parking, and what the traffic impact will be. They have asked for changes to the plan and for additional information to help them make a good decision.
- Why doesn't the MAC team up with the other Heber Valley group theater group?
 - The Heber theater group has generously reached out and offered to accommodate HVAF. There are three reasons this partnership will not work. We appreciate their generosity but cannot take advantage of it for three reasons. First, the theater would be in Heber City and the tax, economic, and quality of life benefits would not go to Midway. Second, the other theater group can only accommodate a portion of the HVAF's programs. This would require an elimination of a significant portion of the planned programs. Third, the two theater groups have different visions and will serve different and equally important purposes in the valley. As happens all over greater SLC, both privately-owned theaters such as The MAC and publicly-owned theaters such as the Heber Valley proposed theater, function side by side to meet a great variety of community needs.
- What is the rationale for the proposed size of the building and number of seats?
 - Consistent with the modern designs of most indoor performing art centers being built now, the MAC would have a small traditional main theater, a smaller “black box” theater, which can be used for smaller performances and set up in a variety of configuration (e.g., children's plays, theater in the round). The MAC will also have a small hall used for rehearsals and recitals. The seating capacity in these venues is sized to accommodate the current HVAF audiences that are already attending. Of course, these audiences will also grow as the Valley grows. This combination will allow needed space for MAC productions and generous space for a variety of community events. In addition, space for restrooms, changing rooms, and costume and set storage are needed. The proposed plan is the smallest it can be and still accommodate these needs. At the proposed size, the MAC would be one of the smallest indoor performance theaters in Utah. (There are 18 Utah theaters that are larger and three that are approximately the same size, with a small number, typically much older, that are smaller).

Residents' questions submitted in the survey and answers...

- Why do we think it will be financially successful?
 - HVAFs is already a successful theater company, with 15 years of financial history. Using revenue and cost models from a Utah theater that is comparable to the proposed MAC (Centerpoint Theater in Centerville) and successful fund-raising plans from the Hale Theater fundraising model, we are confident the funds can be raised and the MAC can financially sustain itself. Part of the financial plan will be to fund an endowment to help cover ongoing operating costs in perpetuity.
- Who is paying for it?
 - Private donations will be sought to both build The MAC and maintain it. No tax dollars will be sought or used to build or support the MAC.
- What is the timing for construction and opening?
 - We don't know yet. Construction and opening cannot be determined until the City approves The MAC.

Residents' questions submitted in the survey and answers...

- What is the rationale for the location? Why not by Zermatt and The Homestead?
 - This option was explored. We learned it can't be done. There isn't enough space or parking at Zermatt. The Homestead Resort is not interested in providing space or parking for The MAC.
- Why can't you use the high school auditorium?
 - The high school auditorium is already too busy to accommodate MAC programs. It also does not have the necessary venue and production versatility or storage space to accommodate a full-time theater company. It was designed for very different purposes.
- What are the architectural plans to make sure it is beautiful and fits Midway?
 - The MAC has hired local architect Clayton Vance, one of the best in Utah, to design the MAC. He understands Midway and what makes Midway special. The City Council, who are also committed to preserving the beauty of Midway, must approve the design.
- What will be in the building?
 - A Main Stage of 350 seats, a black box/youth theater of 250 seats, a rehearsal and recital hall of 125 seats, space for dressing rooms for performers, and costume and set storage.

Residents' questions submitted in the survey and answers...

- Can the Mayor and the City Council put this to a vote of the community?
 - This would be a decision to be made by the Mayor and City Council.
- Paraphrasing a couple of responses...How come you guys lie about everything, hate and undermine the Heber Theater group, are secretly grifting to pad your pockets, and are trafficking in works of evil and darkness?
 - 😊!!

Why The MAC?

- The MAC will bring more overall tax benefits to the City of Midway than any other building of any kind.
- The MAC will honor early Midway residents who built the Social Hall in the 1800s to bring theater to the City and later built the Town Hall.
- After an invigorating day of shopping and eating during Swiss Days, attending a show at The MAC will encourage people to stay overnight.
- Hundreds of Midway families rely on High Valley Arts for quality theatrical opportunities for themselves and their children, both as audience members and participants.
- HVAF entertained 10,500 people in 2021 and may exceed those number in 2023.

MIDWAY ARTS CENTER PHASING AGREEMENT

This Agreement is made by and between Midway Arts Center Foundation, a Utah non-profit corporation, and Midway City, a Utah municipal entity, to be effective on September 1, 2022, with respect to the following factual background recitals:

RECITALS

1. Midway Arts Center Foundation (the MAC) proposes to build and operate an indoor performing arts center in Midway.
2. The MAC has applied for a Code amendment to permit this use in the C-2 Zone, and that application is being considered by Midway City (the City).
3. The City is concerned about the audience capacity and other related issues with regard to the proposed arts center.
4. To address those concerns, the MAC has agreed to reduce the footprint and frontage of the proposed building and start out with a smaller main theater seat-count to help resolve the City's concerns, increasing to the Code maximum of 450 seats only with the City's permission.

Wherefore, in consideration of the foregoing, the provisions that follow, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, the parties agree as follows:

AGREEMENT

5. **Effectiveness.** The effectiveness of this Agreement is contingent upon the approval of Code language that will permit the construction of the arts center in the C-2 Zone of the City and the approval of a Conditional Use Permit pursuant to that zoning change.
6. **Initial Main Theater Seating.** The MAC agrees to initially install only 350 seats in the main theater of the arts center, despite the Code maximum of 450 seats.
7. **Increasing Main Theater Seating.** The MAC agrees to increase the seating in the main theater only after written permission to do so from the City.
8. **Parking.** The MAC will provide combined parking of at least 125 spaces: at least 65 on-site spaces and 60 spaces off-site at the Olde Swiss Square property nearby. The lease for the 60 spaces is perpetual at the option of the MAC and a Memorandum of Lease will be recorded in the public records.

9. **Audience Restriction.** The MAC agrees that there will never be more than one audience event in the arts center at any given time, despite three different potential venues for such events.

10. **Parking Control.** The MAC agrees to provide parking directions on its website, on its ticket confirmations, and in its programs. It will also provide parking control personnel and signage at appropriate times to assure that parking access flows smoothly.

11. **Mutual Interests.** The MAC and the City agree to work together over time to assure that concerns that may arise in the performance of this Agreement are addressed promptly, fairly and with the mutual intent to provide a successful venue for arts events, training and related activities beneficial to the community and a minimal impact upon traffic, neighboring land owners, and other City interests.

GENERAL PROVISIONS

12. **Integration.** This is the entire agreement between the parties and supersedes any prior or contemporaneous oral or written representations, agreements or promises with respect to the subject matter hereof. It may be modified only by a writing signed by the parties.

13. **Inurement.** This agreement is binding upon and inures to the benefit of the heirs, personal representatives, principals, agents, officers, partners, affiliates, owners, subsidiaries, shareholders, directors, members, managers, successors and assigns of the parties.

14. **Cooperation.** Each party agrees to sign such additional documents, provide such information, and cooperate as may be reasonably necessary to carry out the intent and purpose of this Agreement.

15. **Counterparts and Delivery.** This Agreement may be executed in counterparts, in which case all counterparts taken together shall be one Agreement. It may be delivered by .pdf attachment to an email, by fax, by mail, by overnight delivery service or by personal delivery.

16. **Warranty of Authority.** Each person signing this Agreement on behalf of a party hereby warrants and affirms that he or she is fully authorized to do so by his or her principal.

17. **Delivery of Notices.** Notices required under this Agreement may be given in person, by fax transmission to the number provided for above (if any), by .pdf attachment to an email sent to the email address provided for above (if any), or by next business day overnight mail service. Notices shall be effective as follows:

17.1 if in person, on the day of personal delivery;

17.2 if by fax, email or overnight delivery, on the next business day following transmission or delivery to the overnight delivery service.

SIGNATURES

MIDWAY CITY

Celeste Johnson, Mayor

Attest:

Brad Wilson, City Recorder

MIDWAY ARTS CENTER FOUNDATION

Susan Waldrip, President