

Midway City Council
20 September 2022
Regular Meeting

Rising Heights Academy /
Conditional Use Permit



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: September 20, 2022
NAME OF PROJECT: Rising Heights Academy
NAME OF APPLICANT: InForm Architecture
OWNER: Rising Heights LLC
AGENDA ITEM: Conditional Use Permit
LOCATION OF ITEM: 950 East Michie Lane
ZONING DESIGNATION: R-1-11

ITEM: 16

Berg Engineering, agent for Rising Heights LLC, is applying for a Conditional Use Permit for the proposed use (primary school) within the R-1-11 zone. The school would be located approximately at 950 E Michie Lane.

BACKGROUND:

Berg Engineering, agent for Rising Heights LLC, is requesting a Conditional Use Permit (CUP) to construct a schoolhouse for the Growing Rising Heights Academy. The property where they would like to construct is located at approximately 950 East Michie Lane which is in the R-1-11 zone and is 4.78 acres. In the R-1-11 zone, primary and secondary schools are allowed as a conditional use. The application states that projected enrollment will be less than 100 students.

The proposed plan is to situate the school in the center of the property and set the school back approximately 400' from Michie Lane. This will allow an area for landscaping, parking, and driveway which will be used for drop-off, pick-up, and for parking for school events. On the west side of the school there will be patios, playground, grass area, native landscaping area and outdoor classroom. Southeast of the school will be a storage building.

The City Council, in their August 9, 2022, meeting approved the removal of a future public road that would have crossed the property. This decision was based on the proposal to build a school on the property and the safety concerns of a through-road so close to the school and playground area.

The applicant has not identified any sensitive lands that are in the subdivision area except for some minor, localized areas above 25% slope. No buildings will be allowed in areas with slopes greater than 25%.

The applicant has provided the following information regarding the request:

Rising Heights Academy is a small private school for grades 1-6 with a total projected enrollment of less than 100 students. Small schools such as this will promote a stronger community while maintaining Midway's small-town character. With the owners selecting to only build a school on the 4.73-acre property and not subdividing it for other uses, the low-density rural feel will be maintained. The conceptual design of the site will feature a small school setback significantly from the roadway, allowing for the open space to be seen from Michie Lane. The small scale of the buildings will also be designed to relate in scale to the residential buildings on the adjacent properties. One of the features of the school's design will be its connection to nature both on the site and to the views of the beautiful mountains, thus enhancing the natural environment. The possible negative impacts of the traffic along Michie Lane during drop off and pick up times will be mitigated through the site design by allowing for drop off and pick up traffic to queue up within the site and not on the roadway. Off street parking stalls will be provided for typical days. Parking will be allowed along the access lane on site to provide parking for the families of each student of a grade level. Larger setbacks and landscaping along the perimeter property lines adjacent to neighbors will be provided to minimize and soften impacts to the adjacent residential uses.

LAND USE SUMMARY:

- 4.78-acre parcel
- RA-1-11 zoning

- Frontage on Michie Lane
- Sensitive lands – minor localized areas of greater than 25% slope
- The school will connect to the Midway Sanitation District’s sewer line, Midway City’s culinary water line, and Midway Irrigation Company’s secondary water line

ANALYSIS:

The comments in italicized represent Planning Staff’s comments pertaining to compliance or lack of compliance with the findings. The City Council must make in considering this request. Section 16.26.120 requires specifically the City Council to find that:

1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all of the applicable provisions of this Code; *planning staff believes that the proposal will not have a significant impact on the neighborhood. Landscaping will help buffer the school and school yard from surrounding uses. Also, as staff has analyzed the proposal it appears that it will comply with the provisions of the Code.*
2. The proposed use is consistent with the General Plan; *no issues have been identified.*
3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *the proposal is required to have an approved business license with the City. The applicant has current license and has applied for the license for the new location. The new license will be issued once all the requirements are met such as the issuance of the Conditional Use Permit among other requirements.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *The applicant will have the right to water all the vegetated areas of the property except for 0.33 acres which will be left natural landscaping. No significant impacts to the natural environment have been identified.*
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *the proposed use will create more traffic for the area but the increased traffic will not be above what the local street was*

designed to accommodate. Michie Lane is a collector road with a 76' foot right-of-way width. The design capacity for the road will accommodate existing traffic and the increased traffic generated from the school.

6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the location is suitable for a school.*
7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to ensure that the proposed use would not be detrimental to public health and safety; *no issues have been identified.*

Culinary Water Connection – The school will connect to the City's water line located in Michie Lane.

Sewer Connections – The school will connect to Midway Sanitation District's sewer line located in Michie Lane. The current dwellings are already connected to Midway Sanitation District's system.

Secondary Water Connection – The property will connect to Midway Irrigation Company's water system. The applicant will need to provide a will serve letter from Midway Irrigation Company before the City Councils reviews the proposal.

Sensitive Lands – The applicant has not identified any sensitive lands that are in the subdivision area except for some minor, localized areas above 25% slope. No buildings will be allowed in areas with slopes greater than 25%.

Setbacks – The small-scale subdivision code requires a 50' front setback for any proposed structures fronting Michie Lane. The required setback will be noted on the plat. The school is proposing a setback of approximately 400'.

Michie Lane – A previous property owner dedicated the right-of-way to Midway for Michie Lane. If the previous dedication has not deeded all the property required based on the current master street plan, then the property required property will be dedicated with the recording of the plat. Michie Lane is categorized as a collector street with a 76' right-of-way width.

Driveway easement – There is a recorded driveway easement that runs along most of the southern boundary of the school property. The easement accesses the three lots in Michie Lane small scale subdivision. The driveway is rarely used because the three lots in the Michie Lane subdivision all have direct access to Michie Lane from their frontage. The lane will need to remain open unless an agreement is made between the school and all that have rights to the easement.

Fire Flow - A fire hydrant will need to be located within 500' of the structures, measured by the route of a fire hose from the fire hydrant to the future building sites.

POSSIBLE FINDINGS:

- The proposed use is a conditional use in the R-1-11 zoning district.
- The applicant has not provided engineered drawings for utilities or storm water facilities.
- The project will increase traffic to the area, but traffic counts will be within standards for the classification of the roads in the area.
- The duration of Approval shall be for one year from the date of approval of the development by the City Council. If the use is not acted on within a year of approval, the development's approval shall be voided, and a conditional use approval must be re-obtained to reinstate the project.

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council finds the proposal complies with the requirements of the Land Use Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s) if needed
2. Continuance. This action can be taken if the City Council finds that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again
3. Denial. This action can be taken if the City Council finds that the request does not comply with the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITIONS:

1. The applicant will need to provide a will serve letter from Midway Irrigation Company before the City Councils reviews the proposal.
2. Engineered plans must be submitted before the City Council reviews the proposal.

Midway City Corporation

Mayor: Celeste T. Johnson
City Council Members
Lisa Christen • Jeffery Drury
J.C. Simonsen • Steve Dougherty
Kevin Payne



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P.O. Box 277
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Fax: 435-654-4120
midwaycityut.org

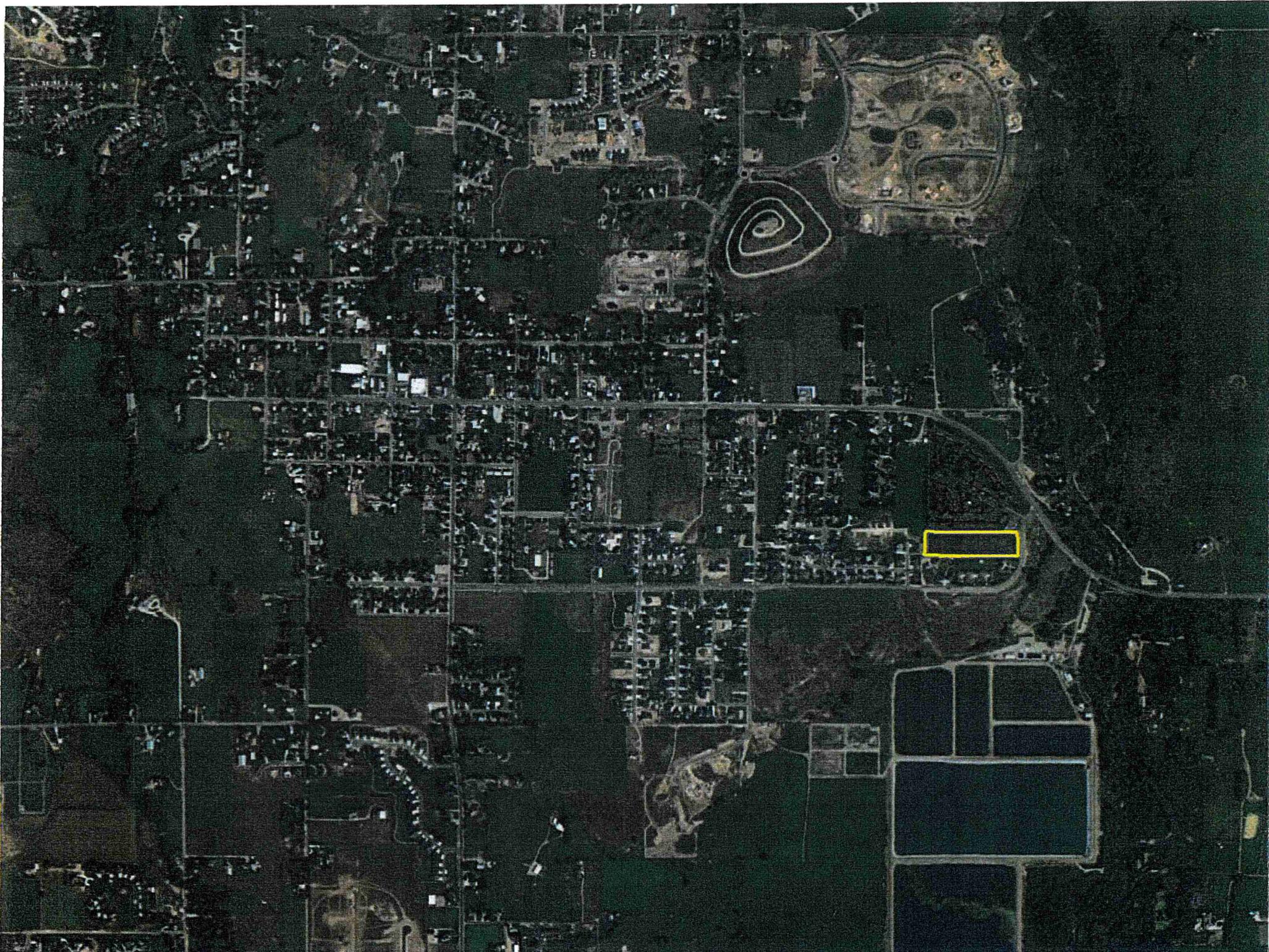
Rising Heights LLC General Plan Amendment

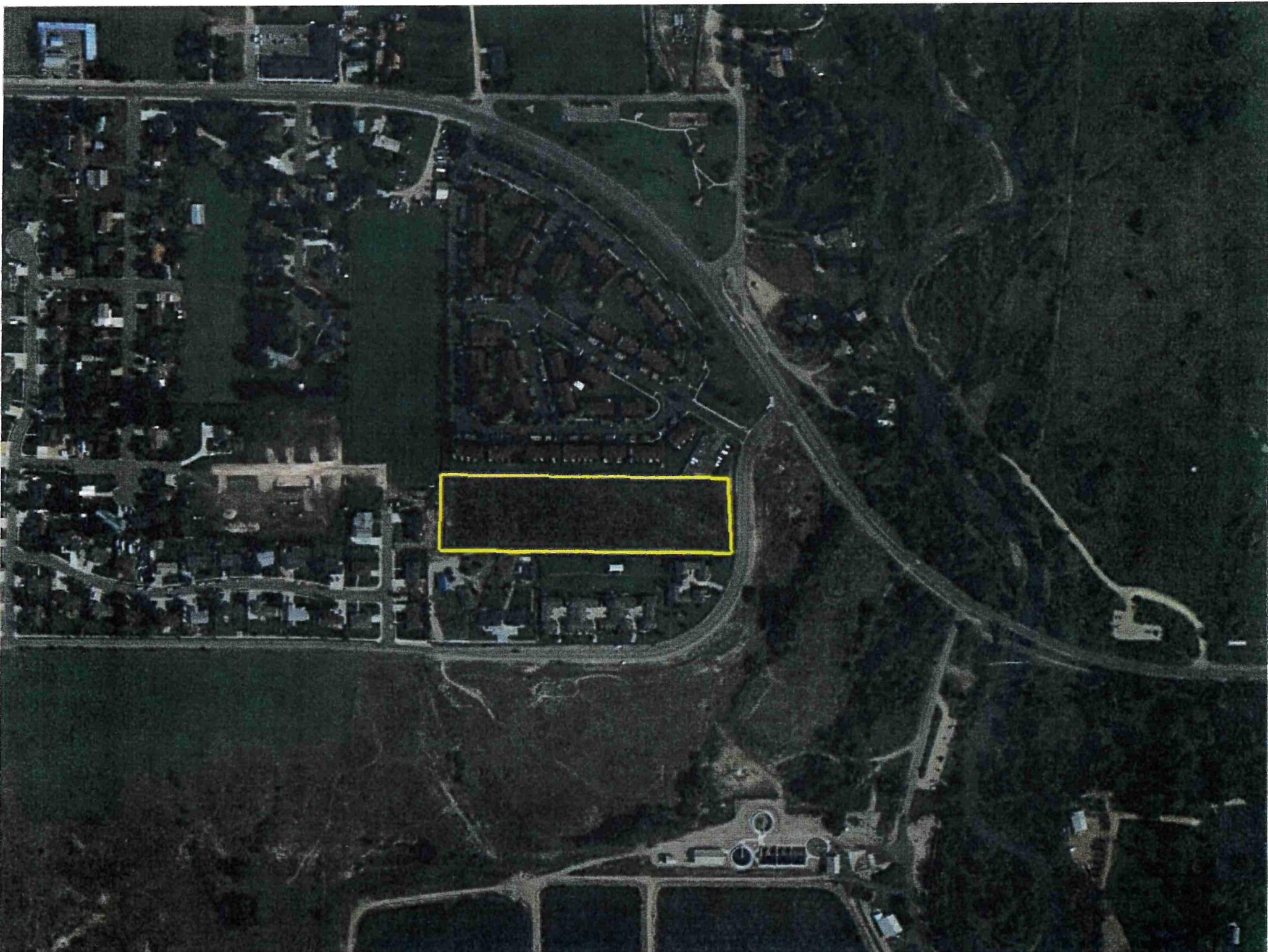
July 6, 2022

Michael Henke Midway City Planning Director,

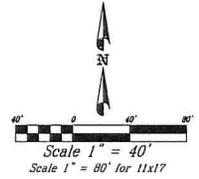
I have reviewed the Rising Height LLC General Plan Amendment for compliance with the 2018 International Fire Code (2018 IFC). I have no fire code concerns currently. Once more detailed plans are available, I will review this development for 2018 IFC code compliance verify proper hydrant location & distances from structures, road widths, etc.

Tex R. Couch CBO/MCP
Midway City Building Official/Fire Marshal
75 West 100 North
Midway, Utah 84049
tcouch@midwaycityut.org
(435)654-3223 Ext. 107









SITE PLAN NOTE:
THIS IS A CONCEPT PLAN ONLY AND HAS NOT RECEIVED APPROVALS FROM MIDWAY CITY.

- LEGEND:**
- GRASS (0.74 ACRES)
 - NATIVE/WILDFLOWER MIX IRRIGATED (1.25 ACRES)
 - EXISTING NATIVE NON-IRRIGATED (0.33 ACRES)
 - PLANTER BEDS (0.86 ACRES)

TOTAL AREA	4.79 ACRES
BUILDING	0.34 ACRES
ROADS & PARKING	0.70 ACRES
HARDSCAPE	0.91 ACRES
LANDSCAPING (IRRIGATED)	2.65 ACRES
LANDSCAPING (NON-IRRIGATED)	0.33 ACRES
DRIVEWAY EASEMENT	0.26 ACRES

THIS DOCUMENT IS INCOMPLETE AND IS RELEASED TEMPORARILY FOR INTERIM REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES.
 DRAWN BY: _____ P.C.
 SERIAL NO. 230892
 DATE: 1 AUG 2022

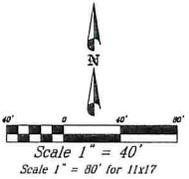
AS SURVEYED DESCRIPTION:
 COMMENCING AT THE QUARTER CORNER COMMON WITH SECTIONS 36 AND 1, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN AND RUNNING THENCE, SOUTH 89°34'23" WEST, ALONG THE SECTION LINE COMMON WITH SECTIONS 36 AND 1, A DISTANCE OF 2858.21 FEET, TO THE SECTION CORNER COMMON WITH SECTIONS 36, 1, 2, AND 35; THENCE, WEST, A DISTANCE OF 46.41 FEET; THENCE, NORTH, A DISTANCE OF 278.51 FEET TO THE POINT OF BEGINNING FOR THIS DESCRIPTION, SAID POINT LIES ON THE WESTERLY SIDELINE OF MICHE LANE (72 FEET WIDE); THENCE, NORTH 89°32'00" WEST, A DISTANCE OF 603.50 FEET; THENCE, NORTH 89°36'42" WEST, A DISTANCE OF 294.89 FEET; THENCE, NORTH 01°10'20" EAST, A DISTANCE OF 233.11 FEET; THENCE, SOUTH 89°12'00" EAST, A DISTANCE OF 894.28 FEET TO THE WEST LINE OF SAID MICHE LANE; THENCE, SOUTH, A DISTANCE OF 218.43 FEET; THENCE, ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 200.00 FEET, THROUGH A CENTRAL ANGLE OF 02°49'17", A DISTANCE OF 14.28 FEET TO THE POINT OF BEGINNING.
 CONTAINS 4.793 ACRES MORE OR LESS

INFORM ARCHITECTURE
 RISING HEIGHTS SCHOOL

SITE PLAN



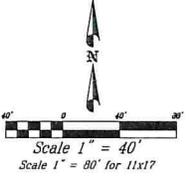
DESIGN BY: PEB	DATE: 1 AUG 2022	SHEET
DRAWN BY: DAA	REV:	1



SLOPE LEGEND:
 0 - 10% SLOPES
 10 - 20% SLOPES
 20 - 25% SLOPES
 25%+ SLOPES

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 ERM, P. ENG. P.E.
 SERIAL NO. 202202
 DATE: 11 MAY 2022

RISING HEIGHTS SCHOOL		
SLOPE MAP		
 BERG ENGINEERING 300 E. Main St. Suite 204 Midway, UT 84049 PH: 435.657.9219		
DESIGN BY: PEB	DATE: 11 MAY 2022	SHEET
DRAWN BY: DEJ	REV:	4



SENSITIVE LANDS NOTE
 PROPERTY DOES CONTAIN SLOPES GREATER THAN 25%.
 PROPERTY DOES NOT CONTAIN FEMA FLOODPLAINS, HOT
 SPOTS, TREES OR WETLANDS.

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 PAUL D. BERG, P.E.
 SERIAL NO. 202202
 DATE: 11 MAY 2022

RISING HEIGHTS SCHOOL	
ENVIRONMENTAL CONSTRAINTS PLAN	
	
DESIGN BY: PDB	DATE: 11 MAY 2022
DRAWN BY: DEJ	REV: _____
	SHEET 5