

### PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING:

March 9, 2021

NAME OF PROJECT:

The Village

NAME OF APPLICANT:

Midway Heritage Development, LLC

**AUTHORIZED REPRESENTATIVE:** 

Daniel Luster

**AGENDA ITEM:** 

Master Plan

**LOCATION OF ITEM:** 

541 East Main Street

**ZONING DESIGNATIONS:** 

C-2, R-1-11, and R-1-22

### ITEM: 2

Dan Luster, agent for Midway Heritage Development LLC, is proposing master plan approval for The Village. The proposed plan is a mixed-use development and a planned unit development. The proposal includes 29,230 square feet of commercial space in multiple buildings, 157 townhomes, 25 cottages homes, park, trails, clubhouse, and pool to be developed in six phases. The master plan is on 27.47 acres and contains 9.7 acres of open space. The property located at 541 East Main is in the C-2, R-1-11, and R-1-22 zones.

### **BACKGROUND:**

Dan Luster, agent for Midway Heritage Development LLC, is proposing master plan approval for The Village. The property is located at 541 East Main and encompasses 27.47 acres and contains 9.7 acres of open space. There are three zoning designations on the property that include C-2, R-1-11, and R-1-22 zones. The proposal includes 29,230 square feet of commercial space in multiple buildings, 151 townhomes, 25 cottage

homes, park, trails, clubhouse, and pool. The proposed plan is a mixed-use development and a planned unit development (PUD) that will be developed in six phases.

The property has historically and is currently in agricultural production. Sensitive land area located on the property will be left undisturbed as required by the land use ordinance. These sensitive lands include the sloped areas at the base of Memorial Hill.

As previously mentioned, the property is in three separate zones. The C-2 zone allows mixed-use development while the R-1-11 and the R-1-22 zones allow for residential development. The proposal is to create a mixed-use development in the C-2 area of the property that will include commercial uses along Main Street and residential in the remainder of the commercial area. The two residential zones will be developed as a PUD.

The application covers the largest commercial properties in town. Development of the property could greatly increase the City's tax base and add more commercial space that has become increasingly more difficult to find in the past few years. The property is also very visible from Main Street and because of its location at the base of Memorial Hill, many residents, and visitors of Midway are familiar with the property. There are existing residents and commercial businesses in the area that will be impacted by the development and careful planning must be taken to mitigate negative impacts wherever reasonably possible. Because mixed-use projects are a conditional use, the City Council may require reasonable conditions to mitigate negative impacts to the neighbors and the area.

Most of the property is in the C-2 zone and four applications have been submitted for commercial development on the site over the past ten years. Two of the applications included commercial development and storage units. Both applications were reviewed but, in the end, neither project was ever built. Since then, the City has removed storage units as a potential use in the C-2 zone. The City has also received two large mixed-use development applications on the property. Both applications were reviewed but neither progressed through the approval process and eventually, the applicants pulled their applications. The City also considered amending the zoning on the property to a new commercial zone that was a performance-based code that focused on creating a community gathering area by incentivizing the developer to create a unique place. After some public hearings, it was apparent that the proposal did not have broad public support.

The Land Use Code requires that a Master Plan request must demonstrate that approval of the project in multiple phases can occur such that the project can still function autonomously if subsequent phases are not completed. Therefore, the Master Plan application must demonstrate that sufficient property, water rights, roads, sensitive lands protection, and open space are proposed with the first phase to allow the project to function without the subsequent phase. All water rights required will be held in escrow before the master plan agreement is recorded and then dedicated to the City as required per phase. Not every issue and detail will need to be resolved for master plan approval but any issue regarding the aforementioned items do need to be resolved before master plan approval is granted. Some items will be reviewed and resolved during the preliminary and final approval of each phase.

### LAND USE SUMMARY:

- 27.47 acres
- 9.7 acres of open space
- C-2, R-1-11, & R-1-22 zones
  - $\circ$  C-2 13.29 acres
  - $\circ$  R-1-11 5.7 acres
  - $\circ$  R-1-22 7.64 acres
- Six phases
- Private roads in the PUD area of phase 6, potentially public roads in all other areas
- Alley and parking areas will be maintained by the HOA or POA
- Potential trail connection to Memorial Hill
- Sensitive lands on the property include sloped areas

### ANALYSIS:

Water Rights – Master plans require that water rights be held in escrow with the City before the master plan agreement can be recorded. The required water rights per phase are then dedicated to the City before the recording of each plat. The Water Advisory Board as approved an estimated 192.16 acre-feet will need to be held by the City in escrow before the master plan can be recorded.

Roads and Traffic Circulation – Each phase of the subdivision must meet access requirements. Phases 2-6 comply with access requirements. Phase 1 will meet access requirements if 670 East can be developed to a full width road. The property under 670 East is owned by Chad Thacker and that area is part of the CTM subdivision plat. The City needs documentation that the road will either be developed as a private road with the appropriate easement or that the property will be dedicated to the City so that it will be a public road.

Traffic Study – A traffic study has been submitted to the City for review. The study will determine the impact of traffic generated from the proposal on the surrounding UDOT and City streets. There may be off-site improvements required based on the traffic study. More information on this issue will be provided after the traffic study has been completely reviewed.

Alley Access – The proposed plan has street access to each unit but there is also additional alley access proposed for parking access. The alley access areas will be private and will be owned and maintained by the HOA or POA. Snow removal and storage from the alley is a concern and staff has asked that a snow removal and storage plan is prepared for review and approval. The plan is required to assure functionality of the proposed plan. Staff would also like information regarding how trash pickup will be handled. The most likely option is that the trash containers will be unloaded in the alley areas, but it is unknown if Wasatch County Solid Waste will enter the private alley areas.

Main Street Improvements – The developer will be required to improve Main Street to UDOT requirements.

Sensitive Lands – Sensitive land area located on the property will be left undisturbed as required by the land use ordinance. These sensitive lands include the sloped areas at the base of Memorial Hill. No building pads are located on any slopes 25% or greater.

Open Space – The proposal has no required open space except for the area of the PUD where 50% is required. The application indicates that the PUD has 55% open space as presented on the Open Space Plan (please see attached). The code requires that with each phase there is enough open space to comply with the 50% requirement of the code. If phase I has 75% open space, then phase II only needs to have 25% open space if both phases are equal in acreage. Since some of the units included in the PUD are in phase 3, some of the open space currently planned for phase 6 will need to be dedicated as part of phase 3.

Public Participation Meeting – The developers held a public participation meeting on March 4, 2021 as required by the ordinance for master plan applications. This requirement is to give the developers an opportunity to present the development to the surrounding residents of the proposed development.

Density – The southern portion of the property is in the C-2 zone and covers 13.29 acres. The C-2 zone allows for mixed use development if the developer has more than 200' of frontage and at least one acre. If those two thresholds are met, then the density of the mixed-use project can be up to 20 units per acre if a minimum of 20% of the gross square feet of all structures are deed restricted as commercial. The area of the property in the R-1-11 zone is 5.77 acres and the area of the property in the R-1-22 zone is 7.64 acres. This area and a small portion of the C-2 zone will be developed as a planned unit development (PUD). The densities allowed in this area for a PUD development is three units per acre in the R-1-11 zone and two units per acre in the R-1-22 zone. Density has been reduced in the R-1-22 because of density reduction based on sloped areas. Normally this area would have a maximum density of 15 units but, because part of the property is in a sloped area, maximum density has been reduced 8.08 units.

*Trails* – There are no planned trails on the property as per the Trails Master Plan. Staff has asked the developer to consider a trail connection from the development to Memorial Hill. Wasatch County, owner of Memorial Hill, would need to approve the trail. It is anticipated that if a trail is built, it would be a backcountry soft surface trail.

Architecture Theme – The developer is required to receive architectural approval of all structures in the mixed-use development, this includes all commercial and residential buildings, along with any other features that require architectural approval. The developer has attached concept renderings (please see attached) that appear to match the general theme of Midway. Specific review of each building will be required through the approval process.

Parking – The developer is providing 139 parking stalls for the commercial uses in the project. At master plan, calculating the exact number of stalls is not realistic because until the exact use and size of a structure is known, the exact amount of parking cannot be calculated. The goal at master plan is to make sure there is the possibility of enough parking for future planned uses. The developer has proposed that there will most likely be a mix of one- and two-story buildings. He has estimated that one-story buildings will have one stall for every 203 square feet and two-story will have a stall for every 405 square feet. The typical amount of parking required is one stall for every 250 square feet for areas accessible to the public. Generally, this should be an adequate number of stalls for master plan but as each individual permit is submitted, parking will need to be reviewed.

Parking requirements for the residential area of the mixed-use project require two stalls for units with one or two bedrooms and 2.5 stalls are required for any units with more than two bedrooms. Since a bedroom count has not been submitted with the proposed plans and no information has been given regarding the amount of parking stalls in garage areas, compliance with the code cannot be confirmed. Information will need to be provided regarding the number of bedrooms per unit and the number of stalls in the garage parking to determine if the proposed parking is adequate.

Parking in the PUD area requires two stalls per residence, one of the two spaces must be covered, and one-half space is required per unit for visitor parking. The parking plan for the PUD does appear to be complete except four visitor parking stalls are missing for units 18-23.

Required Commercial Square Footage – The mixed-use code requires 20% of the gross square footage of all structures is deed restricted as commercial. The plan presented does not appear to meet the requirements of the code. The residential garages have not been counted as part of the gross square footage area. The garage area is part of the structure and should be counted. Also, the residential square footage is based on two stories and the renderings that have been submitted show three stories above grade. This issue is important because it determines the amount of commercial square feet that is required. Also, the commercial structures are assumed to be two stories with basements. It seems unlikely that all the proposed commercial

structures would be two stories and have basements. There needs to be more discussion on this subject before the plan can receive approval. This is an important issue because the plan needs to be amended to comply with the code. The residential square footage should be reduced, and the commercial square footage needs to expand to comply with code requirements.

Setbacks – The proposed development is required to meet the setback requirements for the mixed-use code. All commercial buildings are required to have an 8' setback and all residential structures are required to have a 10' setback. The minimum setback for any structure in the PUD is 60'.

Height of structures – Structures cannot exceed 35' in height, measured from natural grade to the roof. Architectural elements may exceed the 35' limit as per code.

Transient Rental Overlay Zone – The mixed-use area of the proposal is in the transient rental overlay zone (TROD) and, if the units comply with all requirements, may be rented on a short-term basis.

### VISUAL AND ARCHITECTURAL COMMITTEE RECOMMENDATION:

The Visual and Architectural Committee (VAC) has not reviewed any architectural renderings for this project.

### WATER BOARD RECOMMENDATION:

The Water Advisory Board as approved an estimated 192.16 acre-feet will need to be held by the City in escrow before the master plan can be recorded.

### POSSIBLE FINDINGS:

- The proposal will benefit the City financially by creating a greater tax base.
- The proposal may help the City better comply with State requirements regarding the ability to collect resort tax depending on the number of units that are rented on a short-term basis.
- A snow and garbage removal plan must be developed and approved.
- Without information about how many bedrooms are planned for each unit, required parking cannot be calculated for the project.
- The proposal does not appear to comply with the requirement of 20% commercial square feet of the mixed use portion of the plan.

### **ALTERNATIVE ACTIONS:**

- 1. <u>Recommendation of Approval (conditional)</u>. This action can be taken if the Planning Commission finds the proposal complies with the requirements of the code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s) if needed
- 2. <u>Continuance</u>. This action can be taken if the Planning Commission 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. <u>Recommendation of Denial</u>. This action can be taken if the Planning Commission finds that the request does not comply with the requirements of the code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

### PROPOSED CONDITIONS:

- 1. Open space is dedicated as part of phase 3 to comply with PUD open space requirements.
- 2. More information must be provided to better analyze the required parking.
- 3. Four more visitor parking stalls must be provided in the PUD.
- 4. 20% of the gross square footage must be commercial.
- 5. The property under 670 East is owned by Chad Thacker and that area is part of the CTM subdivision plat. The City needs documentation that the road will either be developed as a private road with the appropriate easement or that the property will be dedicated to the City so that it will be a public road.



March 9th, 2021

Midway City Attn: Michael Henke 75 North 100 West Midway, Utah 84049

Subject: The Village Development – Master Plan Review

### Dear Michael:

Horrocks Engineers recently reviewed The Village development plans for Master Plan approval. The proposed development boarders Memorial Hill to the North and Main Street to the South. The development is a mixed-use development and PUD. The proposed development consists of 28,170 SF of commercial building space, 151 residential units zoned C-2, and 25 PUD residential units. The following issues should be addressed.

### General Comments

- There are 6 phases within the development, each phase within the Master Plan appears to be a stand-alone phase.
- All drawings and standards should meet the Midway City updated 2020 specifications.
- Snow removal and snow storage needs to be addressed.

### Water

- The proposed development will be served from the Gerber / Mahogany pressure zone.
- The proposed development will connect to the existing 12" culinary water line in Main Street.

### Roads

- The proposed roads within the C-2 Zone of the development will be public and have right-of-way widths of 56' with sidewalk on both sides of the road.
- The roads within the PUE will be private and have right-of-way widths of 56' with sidewalk on both sides of the road.
- There are private alley ways within the development. Each alley way will need two points of access.
- The access and improvement onto 870 East will require permission and documentation from land owner.
- Main Street access and cross sections will need to go through the UDOT approval process.
- A traffic study has been submitted. Our traffic engineers in our Pleasant Grove office have reviewed the study. Some clarifications are required regarding the study.
- The traffic study shall include an evaluation of an access off of River Road.

### Pressure Irrigation

- The subdivision will be serviced by Midway Irrigation Company.
- All removal, additions, or revisions to pressure irrigation system must be approved by Midway Irrigation Company.
- The ditch towards north end of the property that runs west to east must be maintained.

### Trails

• The majority of the development has 5' or 6' sidewalk. There is one 8'trail in front of the park / open space area that connects to 5' sidewalk on each side.

### Storm Drain

• The storm drain system will be a combination of public and private and will be collected within the proposed curb and gutter and discharged to a series of catch basins, sumps, and detention basins with the development.

### Sewer

Sewer will be provided by Midway Sanitary Sewer District.

The following items will need to be submitted prior to preliminary review:

- Geotechnical Report for the east half of development that was not done as part of previous geotechnical report.
  - Perc tests need to be located near all retention ponds / basins and sumps in alley ways. Perc
    tests should been done at the bottom of the proposed sump elevations.
- Access approval from UDOT for the two new access points onto Main Street.

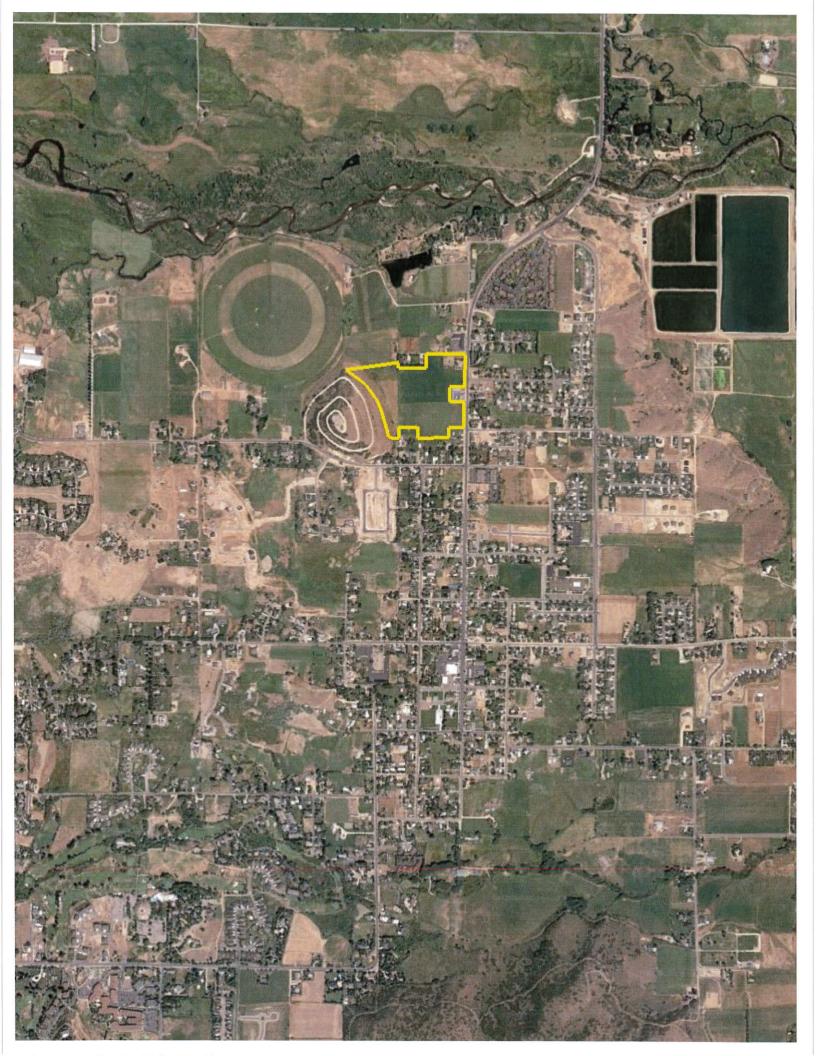
Please feel free to call our office with any questions.

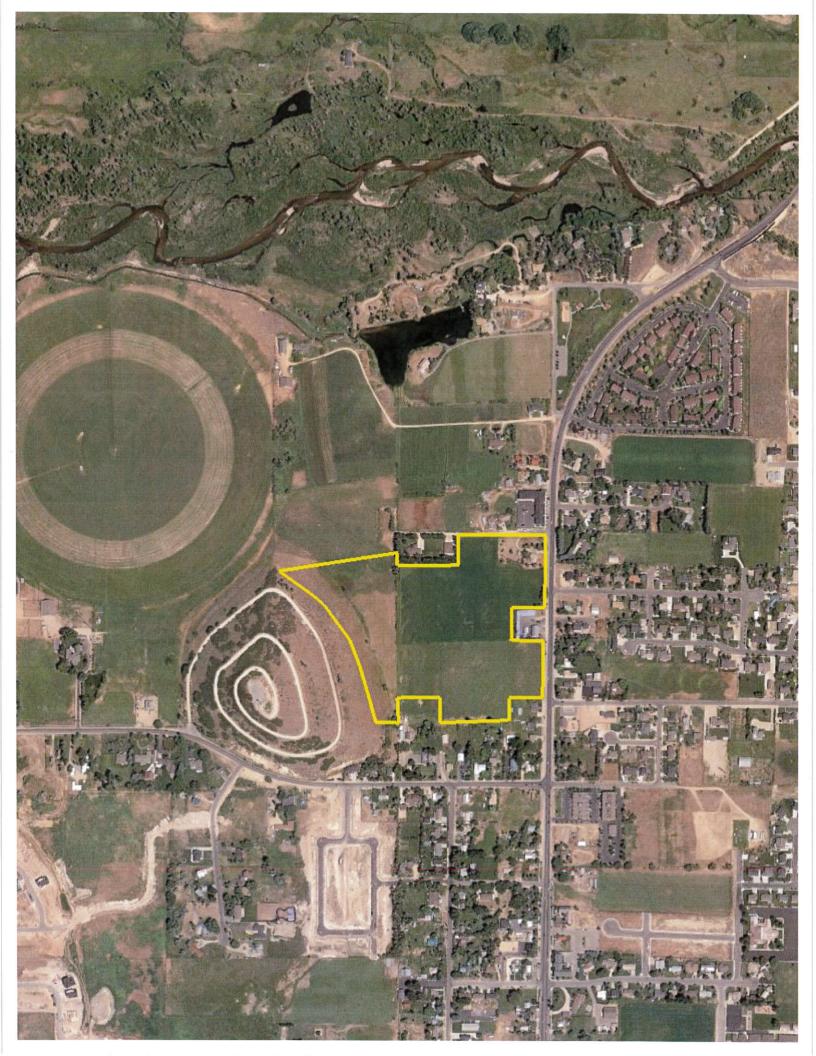
Sincerely,

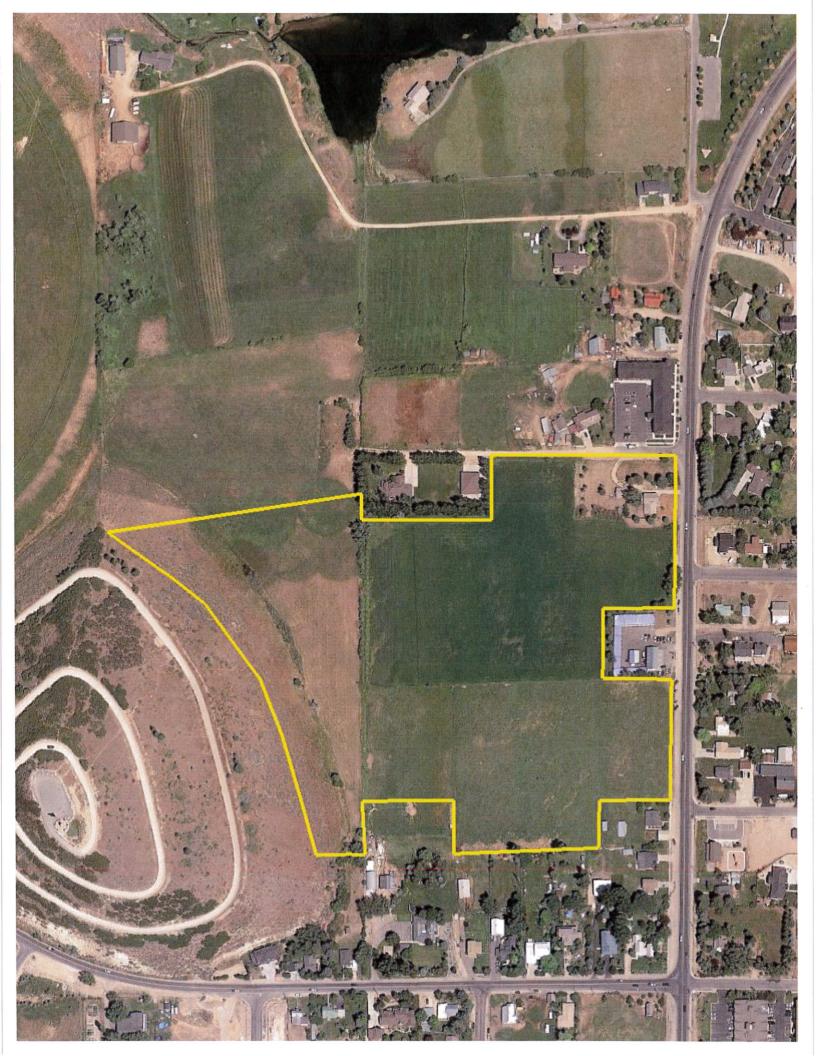
HORROCKS ENGINEERS

Wesley Johnson, P.E. Midway City Engineer

cc: Berg Engineering









BERG ENGINEERING 380 E Main St. Suite 204 Midway, Ut 84049 pn 435,657,9749

COVER SHEET THE VILLAGE

LUSTER





### MIDWAY CITY VICINITY MAP

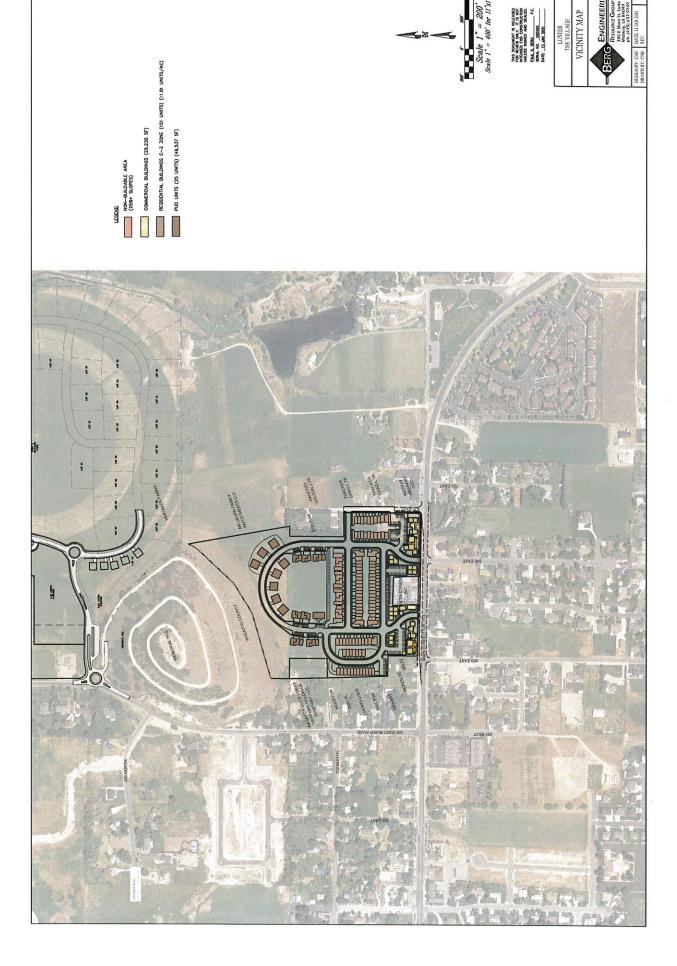
### SHEET INDEX

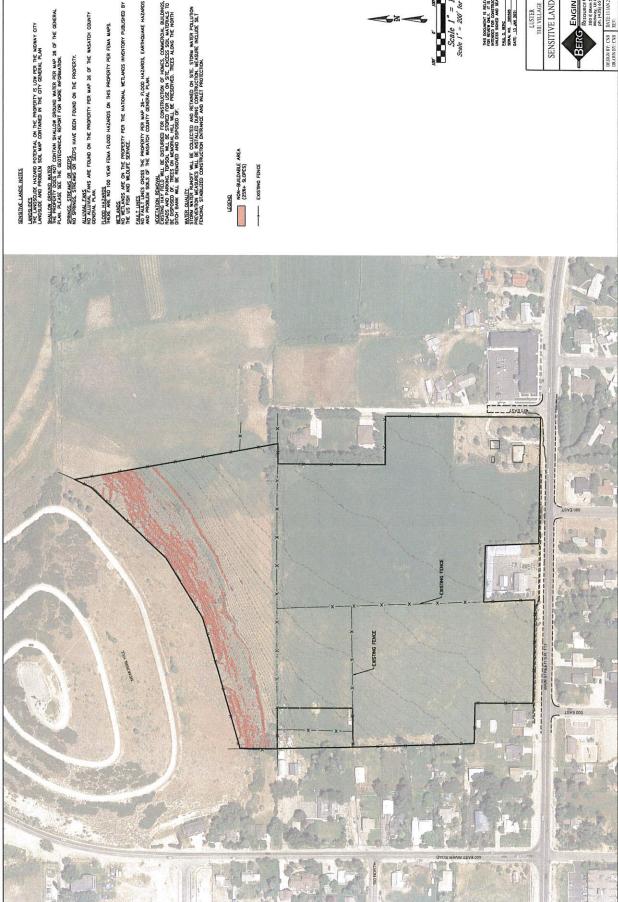
A MIXED USE DEVELOPMENT AND PUD

THE VILLAGE

MASTER PLAN APPLICATION

- 1. VICINITY MAP
- SENSITIVE LANDS MAP
  - MASTER PLAN
- MASTER LANDSCAPE PLAN
  - PHASING PLAN
- OPEN SPACE PLAN 9
- ROADS & TRAILS MASTER PLAN
  - SEWER MASTER PLAN
  - WATER MASTER PLAN ထ တ
- IRRIGATION MASTER PLAN
- STORM DRAIN MASTER PLAN





AMOSIDIE HAZARD POTENTIAL ON THE PROPERTY IS LOW PER THE MIDWAY CITY INCUSIDE AND PROBLEM SOIL MAP CONTAINED IN THE CITY GENERAL PLAN

SPRINGS, STREAMS OR SEEPS NO SPRINGS, STREAMS OR SEEPS HAVE BEEN FOUND ON THE PROPERTY.

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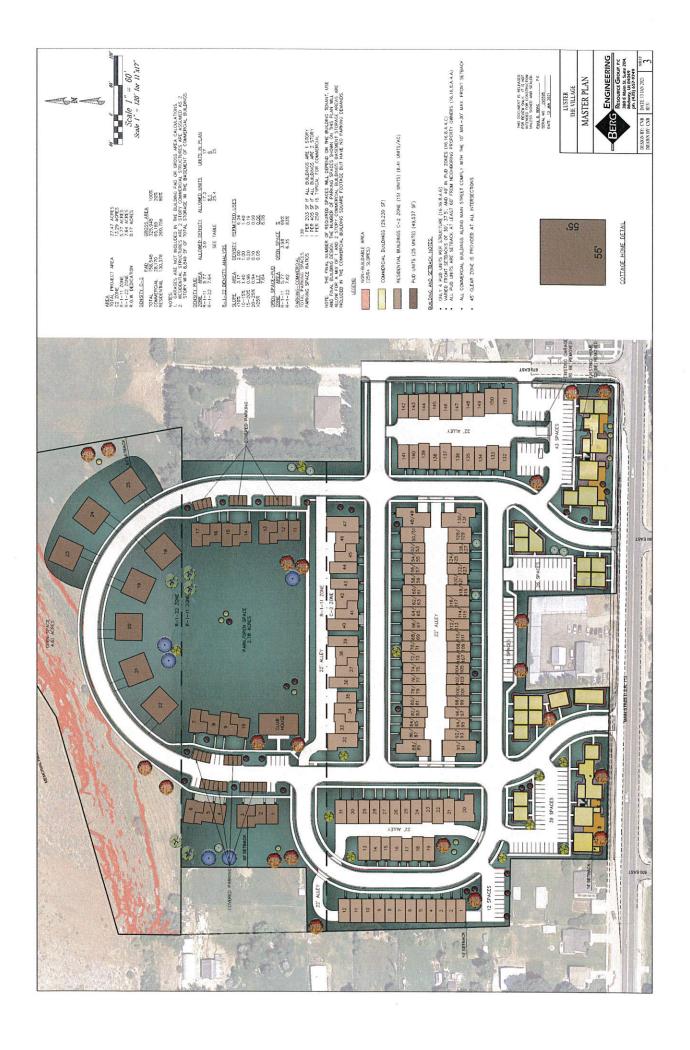
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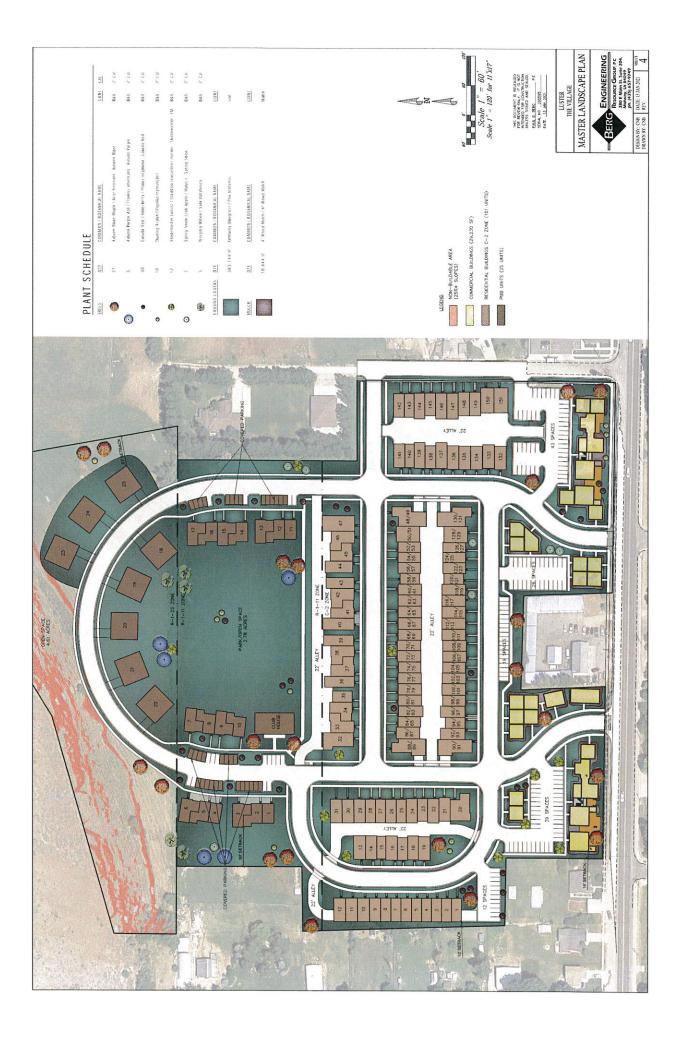
---- EXISTING FENCE

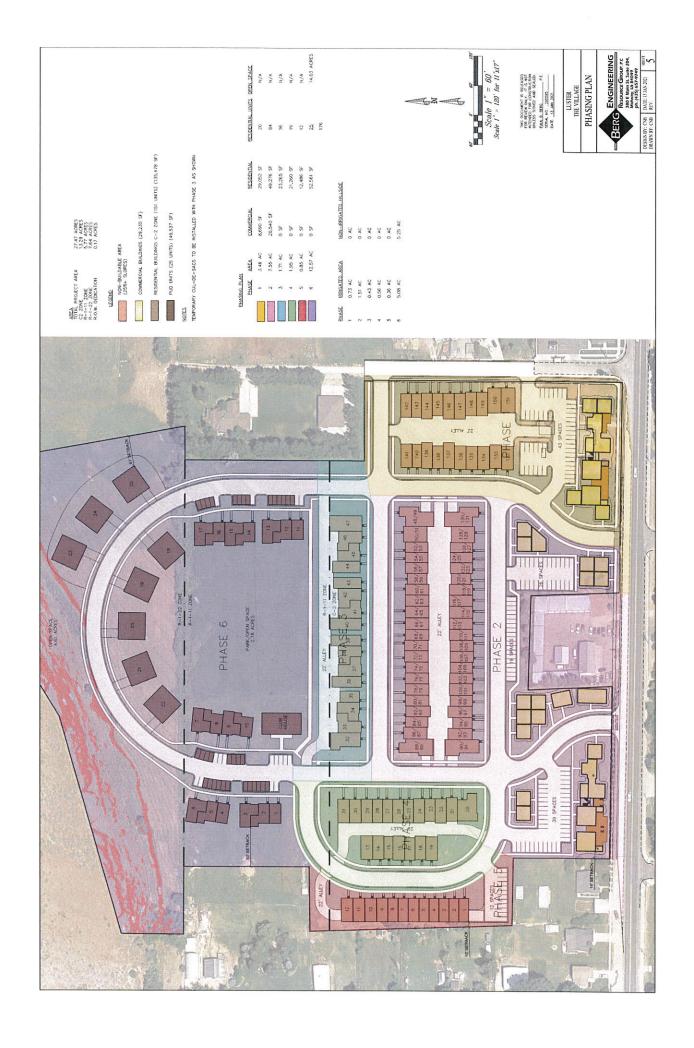
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SENSITIVE LANDS MAP LUSTER THE VILLAGE





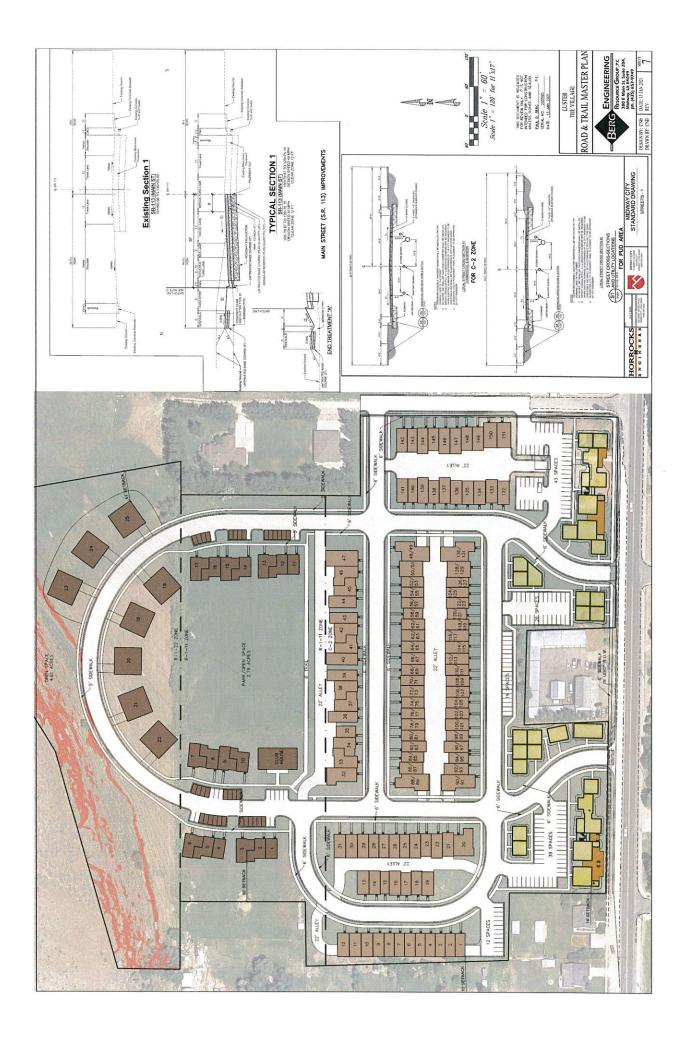


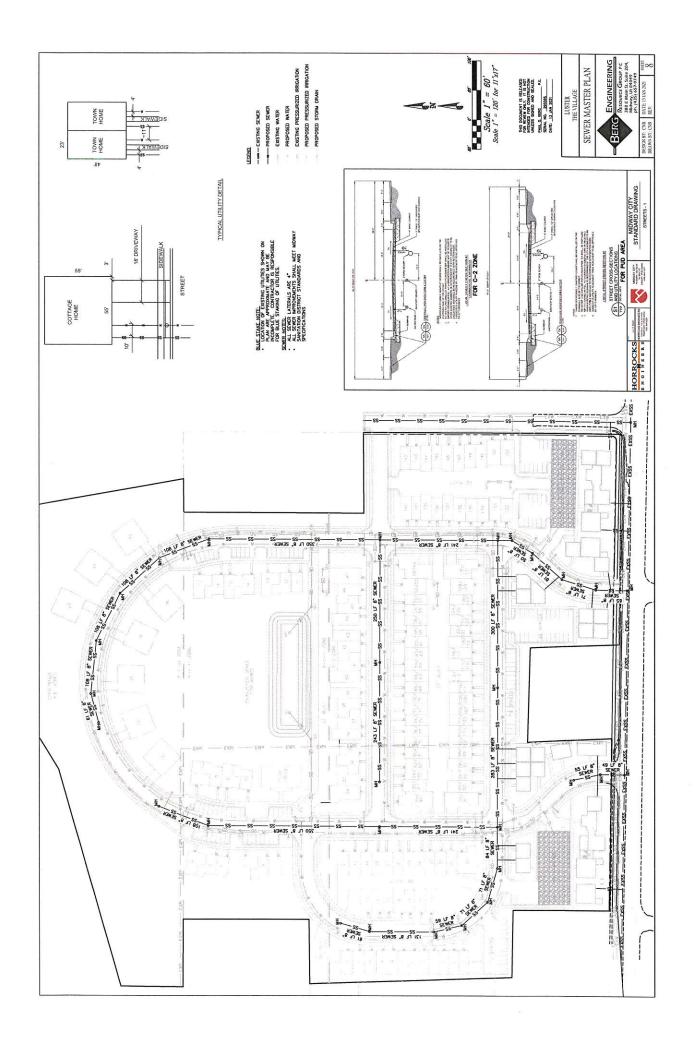


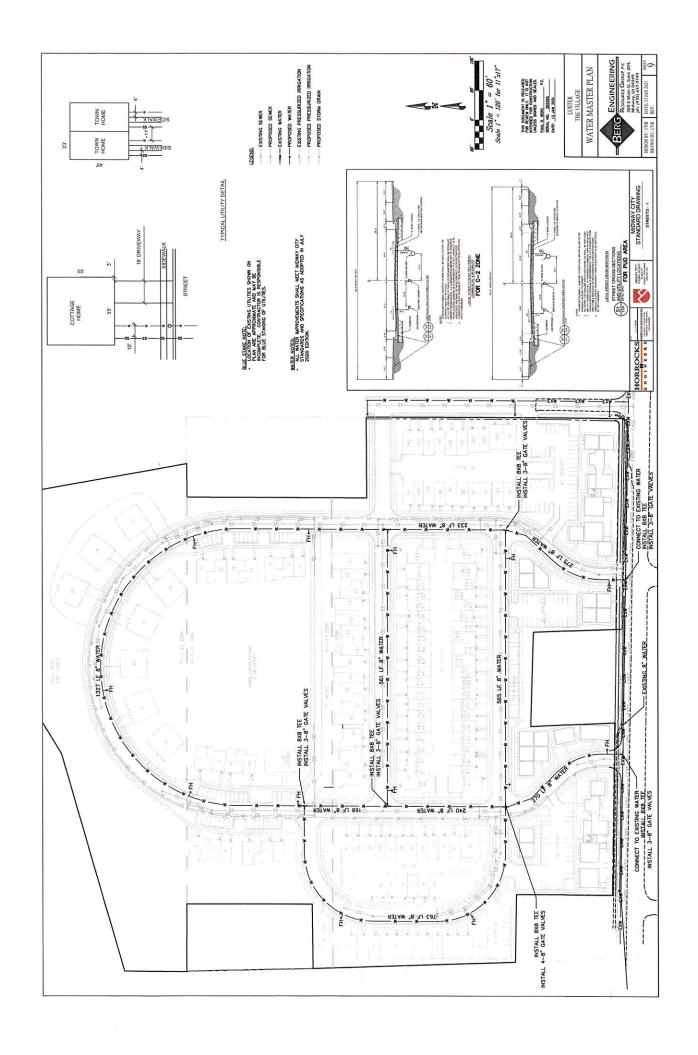


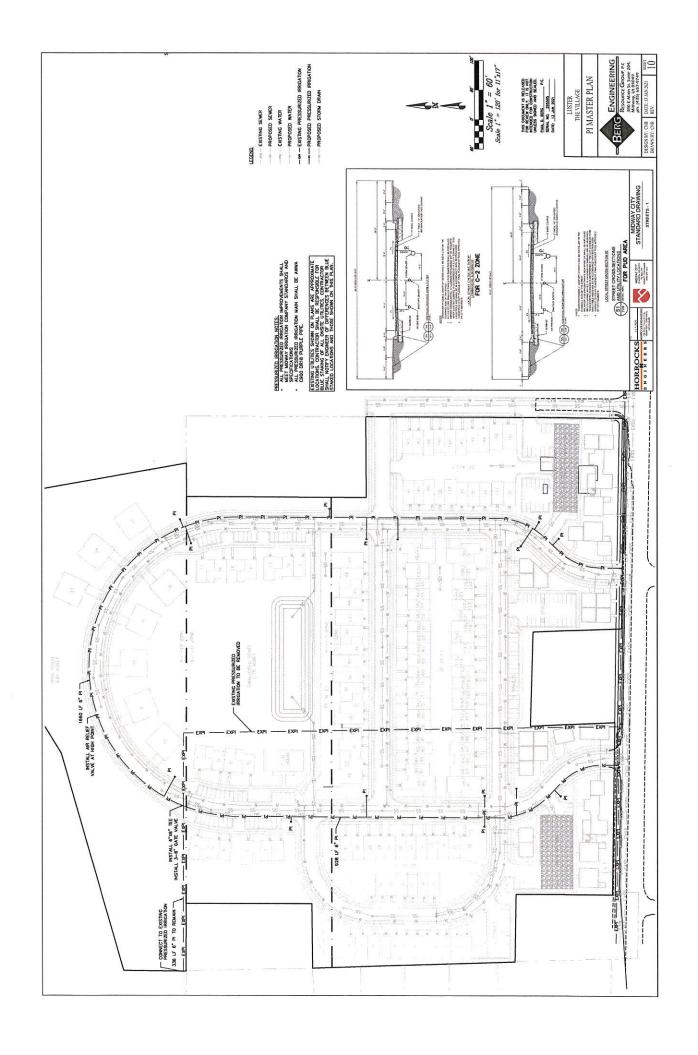
LUSTER THE VILLAGE OPEN SPACE PLAN

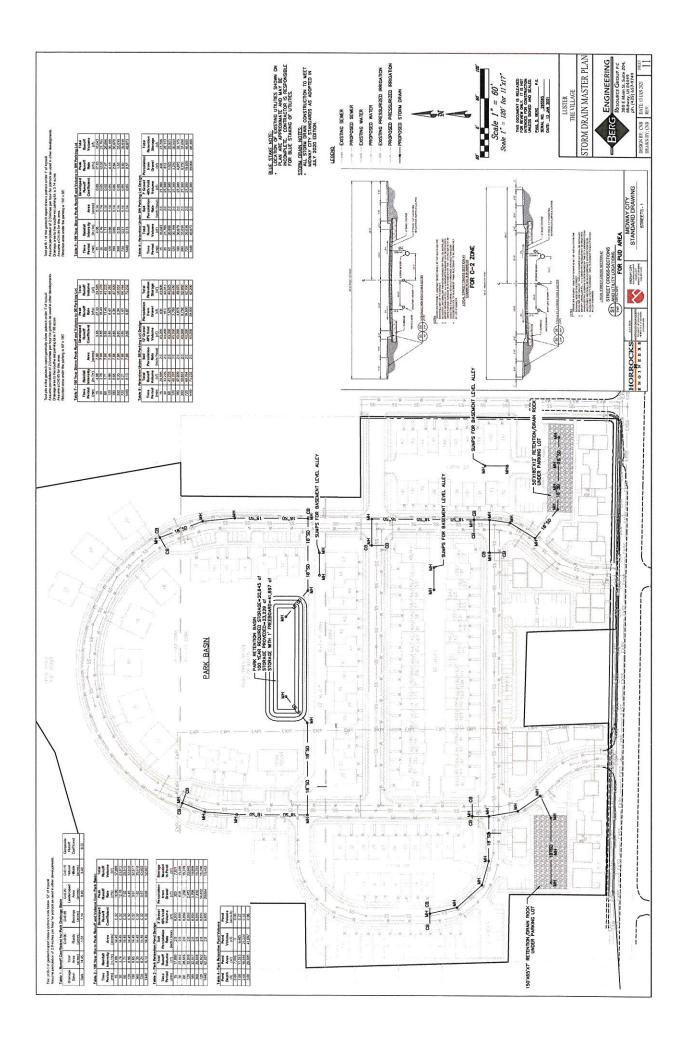












### The Village Mixed-Use Project

Master Plan Submission January 12<sup>th</sup>, 2020

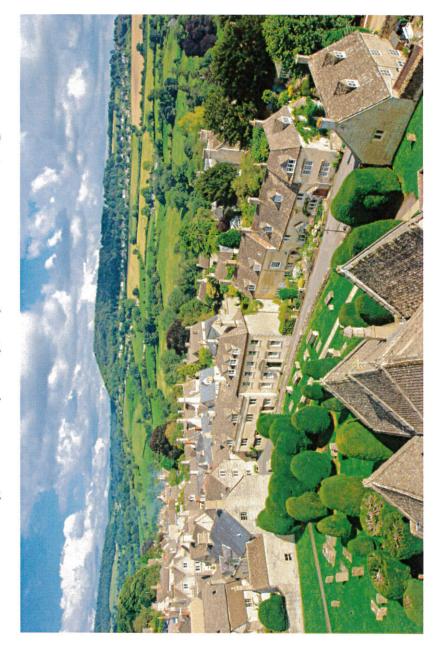
### The Village and Midway's Vision

The Village is a mixed-use development on Midway's historic Main Street that seeks to preserve the rural and historic European character of Midway in the face of unprecedented growth in the Heber Valley. The Village will contribute to Midway's vision in three key ways:

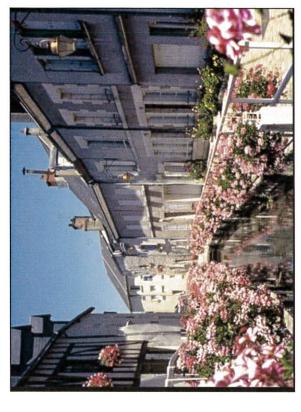
- materials and building techniques that evoke timeless and practical design. Far from a "theme park," The Village will include live/work residences that lend themselves to village life and walkability. Tourists and Architecture. The Village is designed as a European walking village modeled after authentic villages in France and Switzerland. Key elements include hanging flowers, a flowing canal, and quality natural residents will enjoy walking these streets as much as visiting the retail along main street.
- craftsman and boutique restaurants. This can be achieved by linking farm/grazing space directly with main Village Life/Rural Character. The Village will include restaurants, retail, and office space on main street with a distinctly rural character. The goal is to drive agriculture-based tourism including farm animals, street retail. Retail will share a common courtyard with access/views to grazing areas and trails to nature walks, farm-to-market dining, European furnishing imports, and to promote local/historic encourage both locals and tourists to think of Midway as an agritourism destination.
- Memorial Hill and a trail system that connects North to the Dutch Fields, and West to the Homestead with to Memorial Hill or the Homestead will now be a practical reality with residents and tourists avoiding busy European-style trails through wide open preserved agricultural land on Whitaker Farm. Biking, or walking <u>Trail Access/Connectivity.</u> The Village will form a critical link to open the south east corner of Midway to Memorial Hill, the Kohler Dairy, and the Provo River, The Village and Whitaker Farm to the north will be roads and enjoying much of the preserved rural character of Midway. With links to the Homestead the key link in a trail system that sets a new standard for an open-space based, European style walkable/bikeable community.

### The Village and Midway's Vision

Walkability, historic quality, adjacent to nature/agriculture

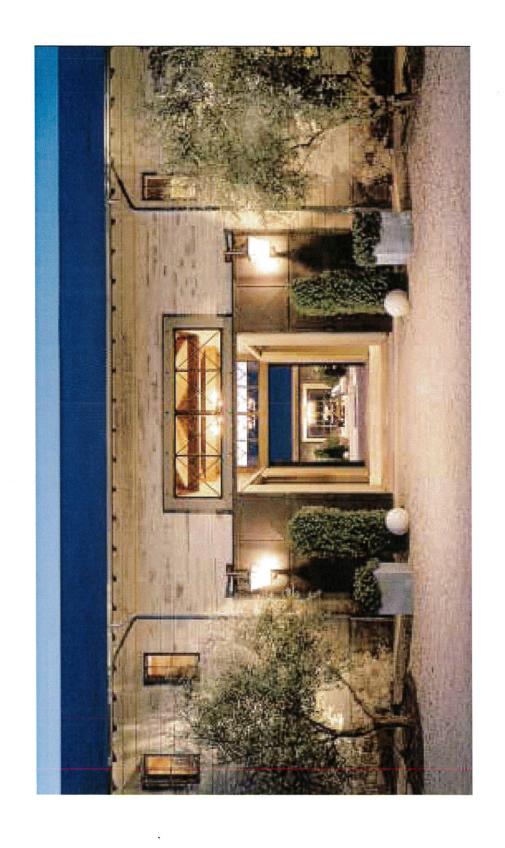


# Typical Building Renderings: Streetscape





Typical Building Rendering: Commercial Buildings



Typical Building Rendering: Commercial Buildings



# Typical Building Rendering: Commercial/Residential



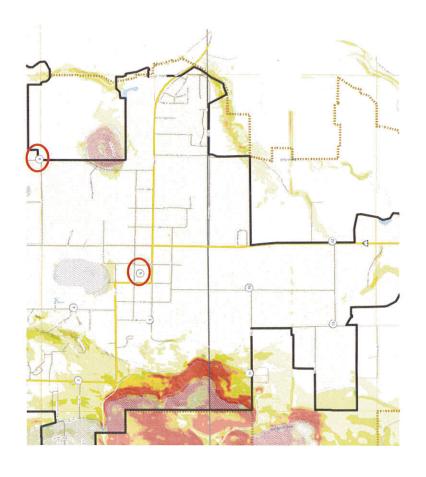
Typical Building Rendering: Commercial/Residential



Typical Building Rendering: Residential

### View-shed Analysis

None of the observation points are impacted. Points 6 and 9 are nearest, but have no observable view of The Village Subdivision



### View-shed Analysis

Care is being taken to create view corridors up to the hill through the development



## Community Impact Assumptions

- Estimated 50% of home sites will be second homes
- Average home value will be \$550,000
- Estimated \$300k+ in annual Wasatch County property tax
- 30 transient rental units (90 bedrooms).
- Access to Memorial Hill Trail and North/South East/West Midway trail systems

### Fiscal Analysis: Services Budget

Sample HOA Budget	Per household	Total	Notes
Annual Fee	1,500.00	210,000.00	\$125 per household per month
Open Space & Common Gardens			
Landscape Maintenance	405.00	56,700.00	Assumes 1.5 employees full time for 7 months @ \$30/hr
Materials	142.86	20,000.00	Lump sum
Streets			
Maintenance Budget	357.14	50,000.00	Lump sum
Snow Removal	85.71	12,000.00	Assumes 2 employees working 25 full days @\$30/hr
Clubhouse and Pool			
Management	231.43	32,400.00	Assumes 1 employees working 20 hours per week @\$30/hr
Utilities and Repairs	277.86	38,900.00	Lump sum, includes utilities and repairs
Sample Commercial OA Budget	e		
	Per business	Total	Notes
Annual Fee	3,000.00	36,000.00	\$125 per household per month
Open Space & Common Gardens			
Landscape Maintenance	94.50	13,230.00	Assumes 1 employee 14 hours a week for 7 months @ \$30/hr
Materials	35.71	5,000.00	rumb sum
Parking and Sidewalks			
Maintenance Budget	41.21	5,770.00	Lump sum
Snow Removal	85.71	12,000.00	Assumes 2 employees working 25 full days @\$30/hr