



## **PLANNING COMMISSION MEETING STAFF REPORT**

**DATE OF MEETING:** October 14, 2025

**NAME OF APPLICANT:** Midway City

**AGENDA ITEM:** Code Text Amendment to Title 16:  
16.15.040.G.11.c (3) Setbacks in the Resort Zone

### **ITEM: 3**

Berg Engineering, agent for The Homestead Group LLC, is proposing a Code Text Amendment of the Midway Land Use Code 16.15.040.G.11.c (3). The proposal is to reduce the setback to 10' for structures in resort master plans next to dedicated golf course open space.

### **BACKGROUND:**

Berg Engineering, agent for Midway Heritage Land Holding LLC, is requesting an amendment of the Midway City Code Chapter 16.15.040.G.11.c (3). The proposed amendment is to reduce the setback to 10' for structures in resort master plans next to dedicated golf course open space. The current language states the following:

*Setbacks along the peripheral property lines of the resort shall be a minimum of 100'. For structures located within 120' of the peripheral property line, setbacks shall be staggered at ten (10) foot intervals with a portion of the structures having a 100' setback, a portion having a 110' setback, and a portion having and 120' setback. No structure within 50' of another structure shall have the same setback. Structures that exceed 50' in length shall meet the required setbacks on 50' intervals.*

The applicant is proposing the following language (proposed changes are in red text):

*Setbacks along the peripheral property lines of the resort shall be a minimum of 100' except for structures in a resort master plan that are adjacent to dedicated golf course open space parcels. Structures next to dedicated golf course open space parcels may have a minimum setback of (10') to the peripheral property line. This setback will allow for public utility easements. For structures located within 120' of the peripheral property line, setbacks shall be staggered at ten (10) foot intervals with a portion of the structures having a 100' setback, a portion having a 110' setback, and a portion having and 120' setback. No structure within 50' of another structure shall have the same setback. Structures that exceed 50' in length shall meet the required setbacks on 50' intervals.*

The applicant has submitted the following language in the code text amendment application:

*Advantages of the proposed code text amendment are listed below. There are no disadvantages to the proposed code text amendment.*

- *This setback requirement only applies to resort master plans, not residential zones.*
- *The reduced setback only applies to resorts that are adjacent to dedicated golf course open space parcels.*
- *The 100' peripheral setback was intended to provide a buffer between neighbors and resorts. For dedicated golf course open space areas no buffer for residents is needed.*
- *The code amendment allows flexibility in design and will help provide better resort accommodations for visitors.*

*The following items from the Economic Development, Resort and Tourism section of the Midway City General Plan support the proposed code text amendment.*

*Item B Provide flexibility for planning and development of recreational resorts, arts and tourism facilities in a creative, efficient and coordinated manner in order to provide quality resident and visitor experiences.*

*Goal 1 Promote and encourage commercial, resort and other economic endeavors to strengthen and improve the city's tax base and quality of life.*

A code text amendment is a legislative action, which means that the City Council has broad discretion. The City Council may approve as petitioned, deny, or approve a modified code different from what is being proposed.

### **ANALYSIS:**

The proposed code text amendment language has been written so that in only very specific circumstances could the proposed code be used to reduce the setback to 10'. This has been accomplished in a few ways. First, the building must be located in a resort master plan to have a 10' setback. Second, the building must be contiguous to dedicated golf course open space. Based on current resort master plans and areas that are dedicated as golf course open space, there is only one area in the City limits that would qualify for the 10' setback. This area is The Homestead core next to the practice range and hole #10. Regarding the area, The Homestead core, this area is grandfathered to a 30' setback instead of the normal 100' setback because of the approved master planned which is based on the 2006 resort code.

On The Homestead's Master Plan, seven buildings have been identified that could potentially use the proposed code. These include the four single-family dwellings on Fairway Drive, the two cottages north of Fairway Drive, and the future Spa to the west of Midway Village.

The proposed amendment will allow for greater flexibility for the placement of future structures in resorts. It will also allow for some future structures, that are limited in space, to be larger because of the reduced setback. Of the future structures that are planned in The Homestead's master plan, the four that appear to be limited in space are the four single-family dwellings on Fairway Drive. The other three future structures on the master plan do not appear to be limited in space so limited space would not be a driving factor regarding the size of a future structure.

### **POSSIBLE FINDINGS (In Support):**

- The proposal would allow a 10' setback in specific circumstances.
- Structures would need to be in a resort master plan.
- Structures would need to be next to dedicated golf course open space.
- Structures next to golf course property that is not dedicated open space would not be allowed a 10' setback.
- The decreased setback will allow for greater flexibility when designing resort structures.

### **POSSIBLE FINDINGS (Against):**

- The proposal would decrease setbacks around dedicated golf course parcels for structures in resort master plans.
- The proposal would allow for larger structures in some cases.

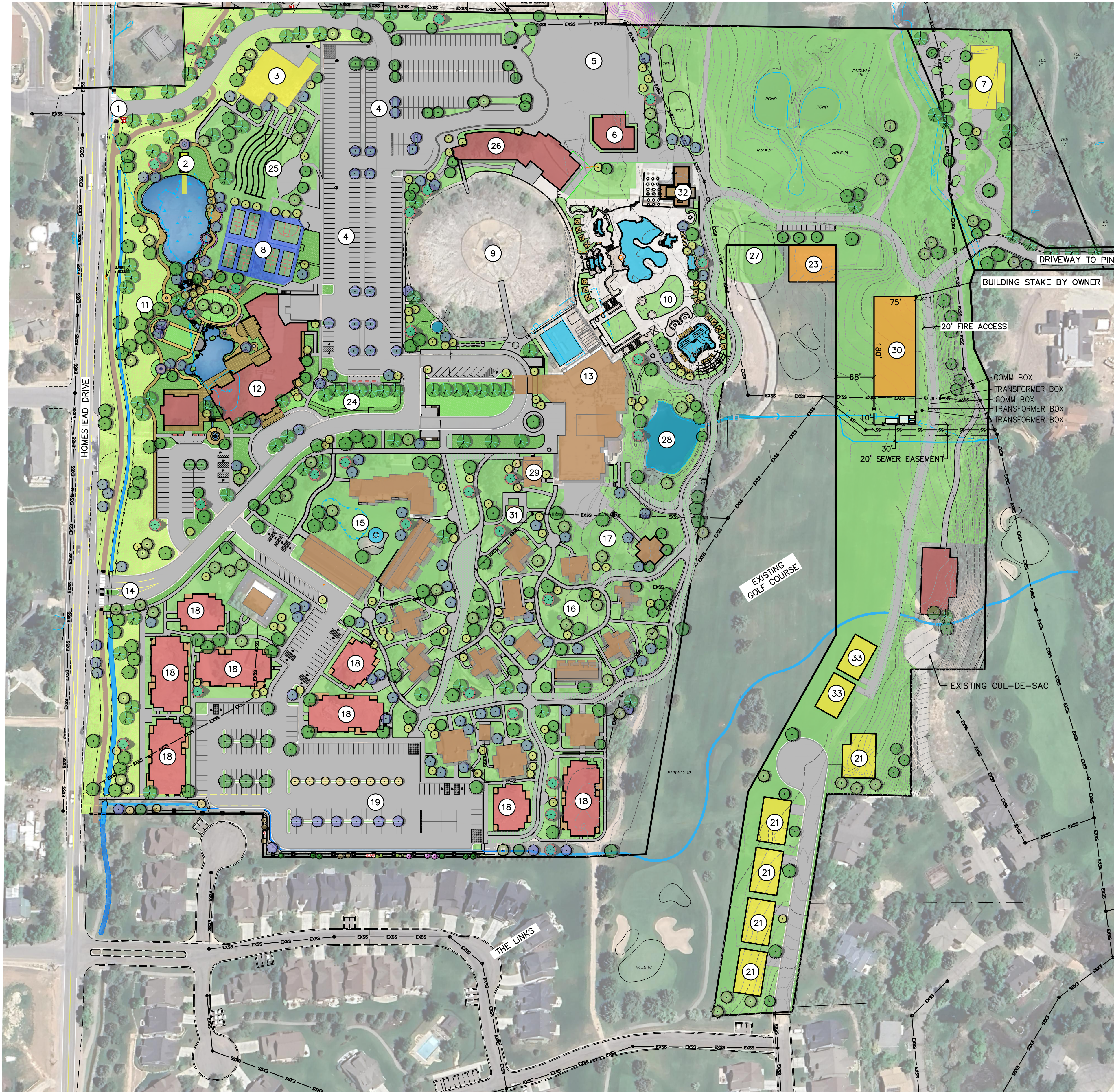
### **ALTERNATIVE ACTIONS:**

1. Recommendation of Approval. This action can be taken if the Planning Commission finds that the proposed language is an acceptable amendment to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
2. Continuance. This action can be taken if the Planning Commission would like to continue exploring potential options for the amendment.
  - 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. Recommendation of Denial. This action can be taken if the Planning Commission finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial



SITE PLAN LEGEND:

- 1 SECONDARY ACCESS TO PARKING, GOLF, SPA, AND DIVE/ACTIVITY CENTER
- 2 BOAT HOUSE WITH OVER-WATER DECK
- 3 FUTURE BUILDING (USE TO BE DETERMINED)
- 4 MAIN PARKING AREA
- 5 TBD
- 6 GOLF CLUBHOUSE AND SPA ARRIVAL
- 7 AQUA THERAPY SPA
- 8 OUTDOOR PICKELBALL COURTS
- 9 CRATER WITH IMPROVED VIEW/AMENITY AREA AT THE TOP
- 10 POOL AMENITY AREA WITH UPPER ADULT POOL AREA WITH INDOOR/OUTDOOR POOL, SPAS, INFINITY EDGE POOL, CABANAS, AND A LOWER FAMILY POOL AREA WITH ZERO-ENTRY POOL, WATERFALLS, TODDLER AREA WITH VIEWS OF MAIN POOL AREA, SLIDE, FIRE PITS, CABANAS, GUEST SERVICES ACCESS BELOW FITNESS
- 11 PASTURE AND ORCHARD AREA ALONG HOMESTEAD DRIVE
- 12 WEDDING BARN WITH ACCESS TO NEW POND AREA. NEW 2024 BUILDING LAYOUT
- 13 NEW CENTER HOUSE WITH PORTE COCHERE ARRIVAL
- 14 MAIN ARRIVAL DRIVE RELOCATED TO THE SOUTH TO CREATE MORE MEANDERING APPROACH AND IMPROVE INTERSECTION SPACING
- 15 FAMILY REUNION UNITS WITH OPEN LAWN, NATURAL THEMED SPLASH PAD, PLAYGROUND AREA AND FIRE PITS
- 16 GARDEN VIEW UNITS WITH MULTIPLE GARDENS WITH PATHWAYS, WATER FEATURES AND SEATING
- 17 BALLROOM FUNCTION LAWN AND WEDDING PAVILION
- 18 THE RETREAT-68 CONDO UNITS (NEW IN 2024 PLAN)
- 19 GUEST PARKING AREA
- 20 GOLF LEARNING CENTER (BUILDING REMOVED FROM MASTER PLAN. USE INCLUDED IN GOLF CLUBHOUSE)
- 21 THE VILLAS (5)
- 22 HORSE STABLE AND BARN (REMOVED FROM MASTER PLAN)
- 23 GOLF WARM-UP CAGE
- 24 FUNCTION LAWN WITH ROSE ARBOR STRUCTURE TO PROVIDE SHELTER AND SEPARATION BETWEEN LAWN AND ADJACENT PARKING / FUTURE PARKING EXPANSION IF NEEDED
- 25 AMPHITHEATER AND STAGE AREA
- 26 NEW ACTIVITY CENTER
- 27 RELOCATED PUTTING GREEN
- 28 ENHANCED POND WITH TERRACES, WATER FALLS AND BON FIRE LOCATION.
- 29 VIRGINIA HOUSE UPGRADES FOR GUEST CHECK-IN
- 30 GOLF MAINTENANCE BUILDING AND CART BARN (NEW LOCATION)
- 31 MILK HOUSE
- 32 POOL AND GOLF GRILL
- 33 GOLF COTTAGES ACCESSED BY CART PATH PER HOMESTEAD MASTER PLAN AGREEMENT. (2)

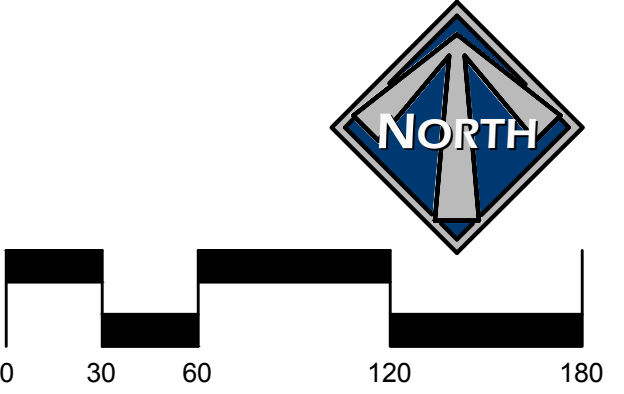


LEGEND

- +25% UNBUILDABLE SLOPES
- EXISTING BUILDINGS (±90,000)
- APPROVED 2021 MASTER PLAN BUILDING THAT HAVE NOT BEEN CONSTRUCTED (±43,000 SF)
- APPROVED 2021 MASTER PLAN BUILDINGS BUT WITH A REVISED BUILDING LAYOUT OR NEW LOCATION (±60,000 SF)
- PROPOSED NEW CONDO BUILDINGS IN 2024 AMENDED PLAN (±63,000 SF)
- GRASS PAVER FIRE LANE
- ASPHALT TRAIL, PARKING OR ROADS
- FLAGSTONE PAVER
- CRUSHED STONE
- SCREENING FENCE IMPROVEMENTS

PATHWAY NOTE:

- SEE SHEET 7 FOR ASPHALT TRAIL AND CONCRETE SIDEWALK CONSTRUCTION DETAILS.
- SEE LANDSCAPE ARCHITECT PLANS FOR PAVER AND CRUSHED STONE WALKWAYS.



SCALE: 1"=60'  
Scale 1" = 120' for 11x17

THE HOMESTEAD GROUP LLC  
HOMESTEAD

2025 SITE PLAN ALTERNATE  
(REVISED MAINTENANCE BUILDING)



DESIGN BY: PDB  
DRAWN BY: DEJ

DATE: 13 JAN 2025  
REV:

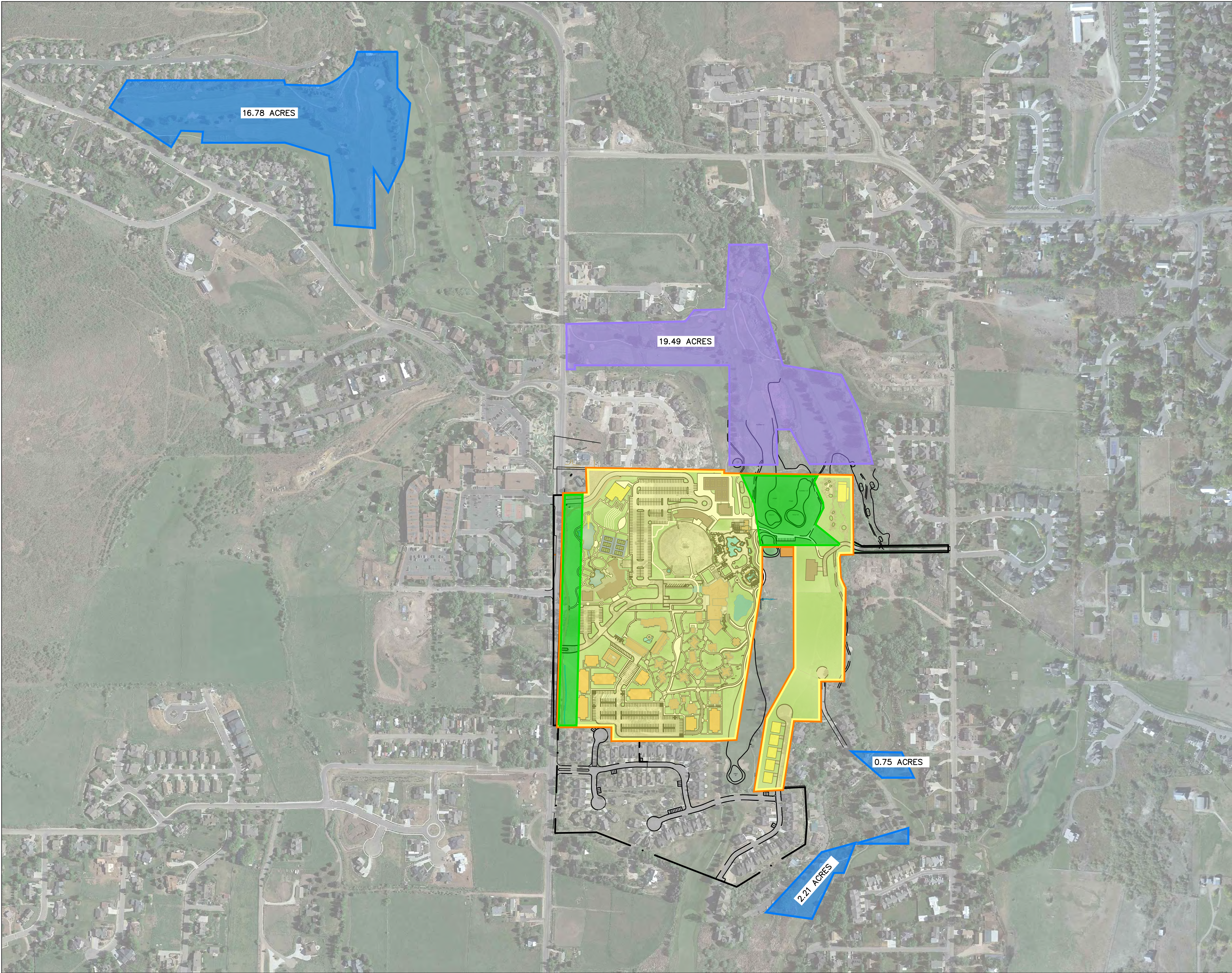
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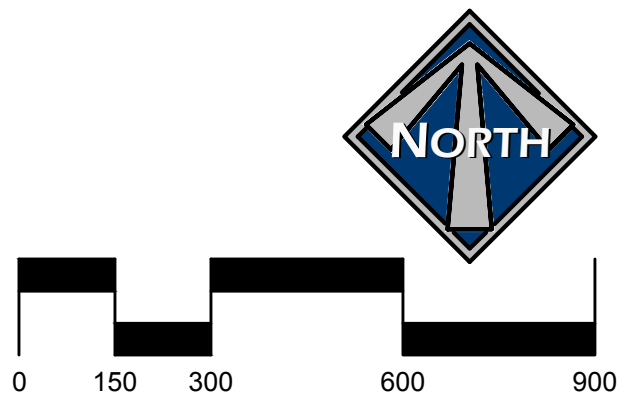
PAUL D. BERG P.E.  
SERIAL NO. 295595  
DATE: 13 JAN 2025



EXHIBIT H AMENDED



- LEGEND**
- RESORT CORE: 50.57 ACRES
  - DEVELOPABLE AREA IN RESORT CORE: 39.94 ACRES
  - PERMANENT OPEN SPACE IN RESORT CORE: 6.49 ACRES
  - GOLF COURSE AREA OWNED BY THE HOMESTEAD THAT IS NOT IN THE MASTER PLAN: 19.49 ACRES
  - GOLF COURSE OPEN SPACE IN MASTER PLAN: 19.74 ACRES



SCALE: 1"=300'  
Scale 1" = 120' for 11x17

SHAKESPEARE-THE HOMESTEAD  
2024 MASTER PLAN AMENDMENT

HOMESTEAD RESORT  
OPEN SPACE



DESIGN BY: PDB  
DRAWN BY: DEJ

DATE: 28 FEB 2024  
REV:

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PAUL D. BERG P.E.  
SERIAL NO. 295595  
DATE: 28 FEB 2024