



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: December 9, 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: 4

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. This specific 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