

Midway City Planning Commission Regular Meeting Minutes May 10, 2022

Notice is hereby given that the Midway City Planning Commission will hold their regular meeting at 6:00 p.m., May 10, 2022, at the Midway City Community Center
160 West Main Street, Midway, Utah

Attendance

Jeff Nicholas- Chairman
Andy Garland
Laura Wardle
Kelly Lineback
Rich Cliften
Craig Simons
Andrew Osborne

Staff

Michael Henke – City Planner
Melannie Egan – Admin. Assistant
Wes Johnson – City Engineer

Excused

Rob Bouwhuis- Vice Chair
Bill Ream

6:00 P.M. Regular Meeting

Call to Order

- Welcome and Introductions; Opening Remarks or Invocation; Pledge of Allegiance
 - Invocation was given by Laura Wardle
 - Chairman Nicholas led the Pledge of Allegiance

Item 1:

Review and possibly approve the Planning Commission Meeting Minutes of April 12, 2022.

Motion: Commissioner Garland make a motion that we recommend approval of the minutes for April 12, 2022.

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Lineback, Cliften, Wardle, Garland, Simons and Osborne

Motion: Passed

Item 2:

Stuart Waldrip, representative for the Midway Arts Center Foundation, is proposing an amendment to section 16.5.2: Permitted and Conditional Uses (Commercial C-2 and C-3 Zones) to add indoor performing arts centers as a conditional use in the C-2 zone. He is also proposing an amendment to section 16.13.10: Maximum Height Provisions for all Buildings, and section 12.11.020: Exceptions, to include indoor performing arts centers in the list of structures that are allowed to exceed stated height requirements.

Laura Wardle recused herself from this item and left the building.

Michael Henke gave a presentation

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 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 50,000 sq. ft.) with largest audience venue up to 500 seats, primarily for live performances	C	N

- E. Public buildings, indoor performing arts centers, 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.
- 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

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.
- 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.

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.
- 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.

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.

- Parking – 1 parking space per four patrons, actors, stagehands, and staff 125 stalls are required
- 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.
- 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 not been submitted

Commissioner Comments

There was a discussion regarding the height limitations in the code. Michael Henke clarified. Sue Waldrip 817 Double Eagle Drive lead a presentation

Devin Johnson who is the owner of the property that the theatre would be built on. He stated that he was not very excited about the project at first. However, he started understanding how the operations of how a theatre work, attending shows, and learning that even his neighbors participated in the Hale Theater, he realized how a theatre impacts a community in a positive way. He is very supportive of the project. He stated that the property has been cleaned up and what is being proposed would beautify Main Street and would be an incredible improvement.

Mr. Jeff Strong gave a portion of the presentation of the Midway Arts Center. He outlined what they were asking for regarding the actual code. H showed examples of what the building would look like without the spire and with it.

Jeff Strong discussed the fundraising group and what they are doing to raise the funds for the Midway Arts Center.

Marta Bress spoke about the parking. He explained the traffic and parking study and the possible cross parking agreement with the Neilson's using their existing parking to the South. He talked about the current code for parking and how many individuals be allowed inside the building. When the main theatre is in use, the smaller theaters would not be used during that time.

Berry Kent talked about traffic study that came from Hales Engineering. And estimates 225 car trips per evening, with 218 in the rush hour period, which is the same number of cars that currently attend HVAF events. Traffic will not be greater per event, but will be consistent, providing a regular income stream to hotels, restaurants, and stores.

Carol talked about that the theater will be a small theatre. Non stage days will keep 99 days free for the community to rent at reasonable rates. Over 500 people have signed petitions in favor of the MAC and the MAC will provide sustained economic growth.

Randon Wilson stated that over a 30 year period, a new community arts center is estimated to have a total net impact of nearly 194 million in cumulative net economic output and almost 2.6 million to the community. Midway resorts and restaurants are in favor of the MAC, 540 Midway citizens.

Mindy McMaster gave a short presentation regarding the history of theaters in Midway and the Heber Valley. 70k people have attended High Valley Arts since 2007. 38 major performances with 2036 cast and production crew members.

Stuart Waldrip, 817 Double Eagle Drive stated that as to architectural features should follow indoor performing arts centers only in the code.

Commissioner Andy Garland asked for clarification regarding how many days the theatre will be in use. Sue stated that they will be in use all except for the 99 days. They stated that they would use all the other days except on Sundays. The use will not increase, but the consistently would increase.

There was a discussion regarding the height and setbacks for the theatre, vs the height and setbacks for a commercial building. A commercial building can have a 10 foot setback and the theatre setbacks are further.

There was a discussion regarding the parking and the views with the spire. Craig Simons wasn't convinced that this would be a good idea.

There was a discussion regarding performances and rehearsals and how they will be managed regarding having the two not having both going during the daytime.

Commissioner Andrew Osborne asked Michael Henke for clarification regarding having this applicant become vested after approval and then immediately reverse the code text amendment. Michael Henke clarified that yes, that could be done.

Commission Chairman Jeff Nielson- The biggest issue is parking. One of the options is now off the table during this meeting. Traffic is always we are already experiences.

Commissioner Kelly Lineback- Is concerned that with this project we have control of how the project could work. If not, we could have commercial and no control of a full commercial project.

Commissioner Andy Garland- Wants a continuance

Commissioner Rich Cliften- Like the require parking above what is required now. Can adjust the parking with this code.

Public Hearing Open

Pat Sweeney- 45 Burgundy Lane. Stated that the community does needs a theatre for the performance arts. She discussed the art center that is slated to be built near the UVU campus. She is against a theatre in Midway, concerned with parking and traffic in Midway. Also, having two theatres in the valley would be confusing regarding theatre recognition and competition.

Michael Blann who lives in Dutch Fields. He stated that they would love to invite MAC to the UVU theater if this project does not go through. He, as a Midway resident is very concerned about the increased traffic. Ask to table this project and gather more information.

Lindsay Brown lives Dutch Fields by River Road. She is in favor of the Midway Arts Center. She is happy for what it has done for her kids. They have created a wonderful program for kids. High Valley Arts is already here and the growth and having a building in one spot, meets the need for safety. She is concerned that using the buildings at the town square. The MAC needs its own space.

Jim Bates- 533 W 200 N-Listen to the tape for his name. Discussed the parking plan and the lack there of one. He is concerned and would like to see a serious study. Believes a cross parking agreement is not enough.

Janise Kennedy- in the Hamlets. Is in favor of this project. Would rather have this project with this purpose for this community instead of rows of 35-foot-high buildings with a 10-foot setback from the road. We need to take advantage of this opportunity to have this building on our Main Street.

David Nielson- 380 E Main Street Suite B- Owns the lot where the MAC functions their outdoor theater currently. He loves the project and everything about the MAC but is very concerned about the parking and his concerns about a shared parking agreement. He owns the parking lot to the south and is concerned that he would be breaking rules with the IBC. He is also not in favor as shared access as well. They will not be signing any parking agreement as they do not believe it will work.

Sheila Siggard- 12 W 250 N- She is concerned about changing the code. Wants to keep Midway rural. Parking does not equal rural. How can you change the code for one group and not another but allowing it for one group and change the code back right away to not allowing another? Don't change Midway and don't change the code for the Waldrup's.

Candace Bowers- who lives on Main Street is concerned about changing the code and then changing it back, she believes that it would create a precedent on conditional uses. Be careful about changing the code

Mark Nielson- 326 W Alphenhof Way- He is in support of the High Valley Arts and this project. Knows that this will be hard, but it can be done.

Athina Koumarela- 266 N Center- Loves the theater, but does not think the building is bad, but does not want the height change to create a higher spire. She is also concerned about the increased traffic

Holly Kent- 1420 S 200 W- Is in support of this projects. Agrees with points taken. This is opportunity to add a legacy to this community. Wants a rural feel but it is already being taken away already by developers. The traffic is already increasing by other developments. Add something positive. This building is better than

Sherry Olmand- 725 N Homestead Drive. Wants them to put the theatre in the cannery building. It is a historical building and small enough, but big enough to be perfect. Loves the performing arts but want to protect Main Street and the residents. Build from the inside out, not outside in.

Lonna Nielson (no address)- Is not in favor. Changing code gives attorneys a loophole and it creates a precedence.

Public Hearing Closed

Motion: Commissioner Simons: I make a motion that we recommend continue for an amendment to section 16.5.2: Permitted and Conditional Uses (Commercial C-2 and C-3 Zones) to add indoor performing arts centers as a conditional use in the C-2 zone. He is also proposing an amendment to section 16.13.10: Maximum Height Provisions for all Buildings, and section 12.11.020: Exceptions, to include indoor performing arts centers in the list of structures that are allowed to exceed stated height requirements. Accept the staff findings. With the Height and setback defined, new resolution regarding the parking, traffic impact to be more relevant to this project, understanding the funding and timeline and extend the street level rendering to include more of the view of main street and the current businesses.

Seconded: Commissioner Garland

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Lineback, Cliften, Garland, Simons, and Osborne

Nays: None

Motion: Passed

Item 3:

Mark and Shanna Nelson, Scot and Jan Lythgoe and Darin and Nancee Heckel are requesting a Zone Map Amendment of the Midway City Land Use Map. They are requesting that their three parcels located at 85 South 100 West, 70 West 100 South and 60 West 100 South are included in the Transient Rental Overlay District.

Michael Henke gave a presentation

Land Use Summery

- R-1-7
 - Allows long-term rentals of 30 days or more
- 3 parcels
 - Heckel – 0.3 acres
 - Nelson – 0.3 acre
 - Lythgoe – 0.26 acres
- Contiguous to the TROD
- If included in the TROD then short-term rentals of 2-30 day are allowed as a Conditional Use
 - Number of people that can stay in the home, number of vehicles that can be parked at the home, a locally licensed property management company must manage the home, the home must pass several inspections, and other requirements also apply.

Possible Findings

- One of the proposed properties is contiguous to the TROD.
- Three-fourths of block four is currently within the TROD boundary.
- The applicants will need to apply for a Conditional Use Permit if the zone amendment is successful.
- Renting the property will generate more transient rental taxes for the City.
- The city council is under no obligation to approve but may do so if they feel it will benefit the community.

Public Hearing Open

Lynette Wilson- 152 West 100 South. Is concerned about the traffic. Her street does not have sidewalks nor streetlights. Concerned with higher property values and increase property tax. The renters may not understand how the neighborhood works. Concerned about security in the area. Renters can put the residents at risk.

Public Hearing Closed

Commissioner Comments

There was a discussion about how many persons can occupy and how many cars. Michael stated that up to 14 persons can be in a transient rental and two visible vehicles. The fire marshal could limit.

Andrew Osborne is not on board for more short-term rental.

The property owners stated that they want just to have the option to be able to do transient rental. The owners stated it is a financial benefit to have the option.

Motion: Commissioner Simons: I make a motion that we recommend approval for a Zone Map Amendment of the Midway City Land Use Map. They are requesting that their three parcels located at 85 South 100 West, 70 West 100 South and 60 West 100 South are included in the Transient Rental Overlay District. Accept the findings in the staff report.

Seconded: Commissioner Cliften

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Lineback, Cliften, Wardle, Garland, and Simons

Nays: Osborne

Motion: Passed

Item 4:

Dan Luster, agent for Midway Heritage Development LLC, is seeking Final Approval for Phases 1 and 2 of The Village. The Village is a mixed-use development that contains both commercial and residential uses. The proposed phases include 83,184 SF of commercial space in seven buildings, 45 residential dwellings, park area, private streets with a public access easement, and private trails with a public access easement. Phase one is 6.54 acres in

size, and phase two is 5.7 acres. Both phases have a combined common acreage of 9.4 acres. The property located at 541 East Main is in the C-2 zone.

Michael Henke gave a presentation

Land Use Summary

- **Zoning:** Property Conditionally Rezoned to C-2
- **Acres:** 12.25 (27.47 total acres)
 - Phase 1 - 6.55 acres
 - Phase 2 - 5.7 acres
- **Units:** 45 Residential Units (143 total)
 - Phase 1 - 10 units
 - Phase 2 - 35 units
- **Commercial:** 7 buildings
- **Open Space:** 8.44 total acres in master plan
- **Roads:** Private roads with a public easement
- **Trails:** Private trails with a public easement

Discussion Items

- Water rights
 - Phase 1: 42.23 acre-feet
 - Phase 2: 56.18 acre-feet
 - Phase 3: 41.18 acre-feet
 - Phase 4: 37.37 acre-feet
 - Phase 5: 17.04 acre-feet
 - Total: 181.42 acre-feet
 - Water rights per commercial buildings will be noted on the plat. Commercial uses may require more water rights than what will be dedicated. If more water is required, the applicant must supply the required water before the use is approved.
- Traffic study
- Roads & traffic circulation
 - Temporary connector access
- Alley access
- Main Street Improvements
- Density
 - Phase 1: 10 units (4 commercial buildings)
 - Phase 2: 35 units (3 commercial buildings)
 - Phase 3: 43 units
 - Phase 4: 40 units
 - Phase 5: 15 units
 - Total: 143 units
- Trails
 - Private trails with public access easements

- Parking - phases 1& 2
 - 184 commercial stalls
 - 90 residential stalls
 - 23 temporary stalls will need to be provided to meet the requirements for phases 1-2
 - Commercial buildings will have assigned stalls that will be noted on the plat. If a use requires more stalls than what is provided, the use will not be allowed until the required stalls are provided.
- Architectural theme
- Required commercial square feet
 - The mixed-use code requires 20% of the gross square footage of all structures (except residential garages) is commercial
 - Based on the submitted plans, 44,128 square feet of commercial space will be built
 - Open space
 - 8.32 acres required
 - Maximum height of structures is 35' except for specific architectural features
- Property owners' association
 - All five phases of, including both residential and commercial, will be under one POA
- Geotechnical reports
- Mailbox locations
- Transient Rental Overlay District
- Commercial area landscaping
 - Bond will include all landscaping shown on the plans
 - Commercial building sites must be either kept in agricultural production until constructed or, once those areas are developed, the commercial pads and surrounding area, are landscaped until the structures are built
- Residential area landscaping
 - Bond will include all landscaping shown on the plans
- Lighting plan
 - Streetlights
 - Parking area lights
 - Commercial building lights
 - Residential building lights
- Automotive shop property
- Traffic signal at Main Street & River Road
 - Traffic signal must be installed before the plat for phase 3 is recorded
- Midway Irrigation Company Ditch
- Entry planter islands
- Private street profiles

Water Board Recommendation

The Water Advisory Board as approved an estimated 166.6 acre-feet will need to be held by the city in escrow before the master plan agreement can be recorded.

Phase 1: 32.44 acre-feet

Phase 2:	38.57 acre-feet
Phase 3:	41.18 acre-feet
Phase 4:	37.37 acre-feet
Phase 5:	17.04 acre-feet
Total:	181.42 acre-feet

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.
- The developer appears to meet the commercial parking requirements but is 23 stalls short of meeting the residential stall requirements for phase 1-2.
- The proposal does appear to comply with the requirement of 20% commercial square feet required by the mixed-use code

Proposed Conditions

1. The lighting plan must comply with Midway requirements and not allow light to trespass to neighboring properties. Received.
2. A wall should be planned next to the southwest parking lot north of the Wilde property to mitigate light trespass from vehicles. Addressed and received on plat.
3. UDOT approval must be submitted. Comfortable enough to move forward.
4. Declaration of Covenants, Conditions and Restrictions must be submitted for legal review. Received.

Commissioner Comments

There was short conversation regarding the transient overlay district boundary line and its dissection some of the units. It was a consensus that the TROD boundary be modified later to move north to include those units that are dissected or are attached to another unit that the TROD is allowed to create consistency and a clear demarcation line of where the short-term units are and are not. That can be requested by an application by the owner, or the city could also initiate.

Motion: Commissioner Garland: I make a motion that we recommend approval of Phases 1 and 2 of The Village. The Village is a mixed-use development that contains both commercial and residential uses. The proposed phases include 83,184 SF of commercial space in seven buildings, 45 residential dwellings, park area, private streets with a public access easement, and private trails with a public access easement. Phase one is 6.54 acres in size, and phase two is 5.7 acres. Both phases have a combined common acreage of 9.4 acres. The property located at 541 East Main is in the C-2 zone. We accept the findings in the staff report. With the condition that the UDOT approval be finalized.

Seconded: Commissioner Simons

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Lineback, Cliften, Wardle, Garland, Simons, and Osbourne

Nays: None

Motion: Passed

Item 5:

Chuck Heath, representative for Midway Mtn Spa LLC, has submitted a master plan application for the proposed Ameyalli Resort (fka Mt. Spa) on 28.87-acres. The proposed master plan includes a resort, hotel, cottages, duplex units, public and private trails, and other resort related amenity improvements. The property is located at approximately 800 North 200 East in the Resort Zone

Michael Henke gave a presentation

Project Overview

- **Proposal:** The applicant is proposing to develop a resort on the former Mt. Spa property.
- **Zoning:** Resort Zone
- **Parcel:** 28.87 acres
- **Proposed Uses:**
 - Core Resort/Spa Bldg.
 - Hotel (76 ea.)
 - Cottages (24 ea.)
 - Duplexes (24 units)
 - Family Lodges (2 ea.)

Event Barn/Yurts

Master Plan Requirements

- Property
- Water Rights
- Roads
- Sensitive Lands Protection
- Open Space

Items of Discussion

Density – The proposed development includes the following types and quantities of density:

- | | |
|----------------------------|-----------|
| • 80 Hotel Rooms – | 41,920 SF |
| • 24 Cottages – | 42,240 SF |
| • One Presidential Suite - | 3,210 SF |
| • Resort Building/Spa - | 55,705 SF |
| • 24 Duplex Units - | 86,800 SF |
| • Two Family Lodges - | 12,160 SF |
| • Yurts - | 3,000 SF |
| • Event Barn - | 4,000 SF |

- Total: 249,035 SF
- Total Bedrooms: 223 EA

- Building Area – The proposed plan includes a gross building floor area of 249,035 square feet (250,000 square feet is the maximum allow by the Memorandum of Understanding). The resort zone requires 20% of the gross floor area to be designated as commercial. Of that 20%, 25% must be uses like retail, restaurants, clubs/taverns, or art galleries/showrooms.
 - Access – The development has three access points, two of which will be built to City standards, one from Burgi Lane, one from 600 North via 200 East. The third is an emergency access from Sunflower Lane.
 - Traffic Study – The developer has submitted a traffic study which Horrocks Engineers has reviewed.
 - Public Participation Meeting – The developers held a public participation meeting on May 4, 2022, 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.
 - Public Trails
 - Burgi Hill Park to 600 North paved trails
 - River Road to Ameyalli core area
 - Setbacks – The proposed development is designed with the setbacks from the Resort Zone code. The code requires 100' setbacks from all boundary lines surrounding the original Mountain Spa property.
 - Height of structures – Structures cannot exceed 35' in height measured from natural grade.
 - Geotechnical Reports
 - Earthtec Geotechnical
- Ground penetrating radar of the site

Architecture Theme - Typically, the architectural theming for new structures in the Resort Zone must comply with the Swiss-European guidelines outlined in Section 16.13.37 of the land use code. In Chapter 16.15 (Resort Zone), the building design guideline section (16.15.4 (G) (3)) states that the building design shall reflect:

"The community's architectural character choices emphasizing Swiss/European Alpine themes (or other themes as approved by the City Council after a recommendation from the Visual Architectural Committee (VAC) and Planning Commission)."

The applicant is proposing a theme that some may interpret as a departure from the typical Swiss/European Alpine themes. Because of the previously mentioned code, it is staff's interpretation that the city council has discretion on whether a departure is allowed.

- Building Area Dimensional Limitations – The code requires that building coverage not exceed 12,000 square feet per acre or greater than 27.5% of an acre. The applicant has submitted a plan that states that the average building coverage 249,163 square feet (5.72 acres) per acre which is 19.8% per acre.
- Parking plan proposal – The applicant has submitted a site plan with parking stalls included but to calculate the required parking more detail is required. A parking plan is not required at the master plan stage of the process, but it is helpful to assure building

locations and numbers will all comply with requirements once the required parking total is met. It is possible buildings will need to be adjusted and possibly removed to meet the required parking requirements.

- Memorandum of Understanding requirements – Summit Land Conservancy and Chuck Heath entered into a Memorandum of Understanding (MOU) regarding development of the Mountain Spa Property. The MOU dictates previously mentioned items such as building footprint area and height. It also requires the following:
 - Restore and maintain the historic “Mountain Spa” pole sign.
 - Construct the previously mentioned trails.
 - Restore natural hot spring water to at least one of the craters in the protected pot rock area.
 - Demolish and clean up the old buildings and derelict swimming pools in and around the protected pot rock area, leaving the two-story historic stone building intact.
 - Provide for the preservation of wildlife habitat, particularly the wetland areas on the northwest of the property.

Possible Findings

- The proposal will benefit the city financially by creating a greater tax base.
- The proposal will help the city better comply with State requirements regarding the ability to collect resort tax.
- The public trail system in the development will benefit the entire community by creating public trails across the property.
- Amenities will be created that will be accessible year-round which will invite more tourists to visit the resort in all seasons.
- Open space calculations must be verified.
- The required parking must be verified.
- The amount of required water rights has yet to be determined.

Proposed Conditions

1. Open space must be calculated to assure that the 55% requirement has been met.
2. A preliminary light mitigation plan must be submitted to the city, and agreeable to the city, that will mitigate the potential impact to the surrounding residents.
3. More detail must be submitted to determine the required parking has been met.
4. Landscape Design Plan must be submitted.

Commissioner Comments

It was clarified that the water feature area to the south near the duplexes are only a splash pad type area with some fun features for children and is not going to be a full-on water park.

It was clarified that the open space requirement has been met and there will be a new map provided.

Chuck Heath gave a presentation on the architecture of the buildings on the property. They have wanted to keep the buildings low, so they do not interfere with the views and to blend in with the unique land features and natural existing landscape and foliage. Chuck stated that he has presented the designs to the neighbors on several occasions, and they have been very supportive of what they have seen.

Motion: Commissioner Garland: I make a motion that we recommend continuing the master plan application for the proposed Ameyalli Resort (fka Mt. Spa) on 28.87-acres. The proposed master plan includes a resort, hotel, cottages, duplex units, public and private trails, and other resort related amenity improvements. The property is located at approximately 800 North 200 East in the Resort Zone. Give time for the Developer and Staff to work out some of the issues addressed in this meeting.

Seconded: Commissioner Cliften

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Lineback, Cliften, Wardle, Garland, Simons, and Osbourne

Nays: None

Motion: Passed

Adjournment

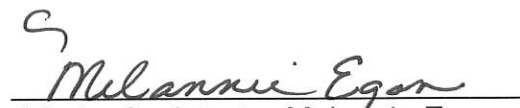
Motion: Commissioner Garland

Second: Commissioner Simons

10:10 pm



Chairman – Jeff Nicholas



Admin. Assistant – Melannie Egan