

Midway City Council
4 October 2022
Work Meeting

The Village /
TROD Determination /
Development Agreements



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: October 4, 2022
NAME OF APPLICANT: Dan Luster
AGENDA ITEM: Transitional Use Determination
LOCATION OF ITEM: 541 East Main
ZONING DESIGNATION: C-2/Transient Rental Overlay District (TROD)

ITEM: 8

Dan Luster, agent for Midway Heritage Development LLC, is requesting a Transitional Use Determination regarding property located in The Villages at Midway parcel which is partially located in the Transient Rental Overlay District. The property is located at 541 East Main and is in the C-2 zone.

BACKGROUND:

Dan Luster, agent for Midway Heritage Development LLC, is requesting a Transitional Use Determination regarding property located in The Villages at Midway parcel which is partially located in the Transient Rental Overlay District (TROD). The property is located at 541 East Main and is in the C-2 zone. The development is dissected by the TROD and the applicant is asking that the some of the units within 100' of the TROD are allowed to have the uses allowed by the TROD. The TROD allows for short-term rental that are defined as rentals from 2-30 days. If approved, the TROD exhibits in the master plan agreement and the developments agreements for phases 1 and 2 will need to be replaced.

If the proposal is approved, the following units would also be allowed as short-term rentals:

Unit 12	Unit 49	Unit 125
Unit 13	Unit 50	Unit 126
Unit 14	Unit 99	Unit 127
Unit 46	Unit 100	Unit 128
Unit 47	Unit102	Unit 129
Unit 48		

ANALYSIS:

The proposal has some beneficial impacts for Midway and the community in general. Transient rentals are good revenue sources for the owners of the property, and they generate transient rental taxes for the City and help with the resort tax that the city collects. They also make it easier for tourists to visit the City and to spend money in the local economy. The other side of the issue is they create added competition for the resorts in town and they can be disruptive to the neighborhood. Striking the balance between all these issues has been difficult and has led the City to create the overlay district which covers areas that are generally more conducive to rental units because of the surrounding uses in the area.

To address the specific impacts for this proposal, there appear to be few neighbors that would be impacted by approving the petition. The developer owns all the property in the development. The nearest existing neighbor’s dwellings are hundreds of feet from the any of the units that are proposed for short-term rental. None of the units share an access with the existing neighbors. It appears the impact would be minimal on the existing neighbors.

Nightly rental units can reduce the availability of moderate-income housing units and some cities have banned or restricted where units may be rented, including Midway. It appears that the 143 units in The Village at Midway will be too expensive to qualify as moderate-income housing so allowing the units to be short-term rentals will not reduce the number of moderate-income units in Midway.

POSSIBLE FINDINGS:

- The General Plan of zoning will be maintained
- A more harmonious mixing of uses will be achieved
- The property is dissected by the TROD

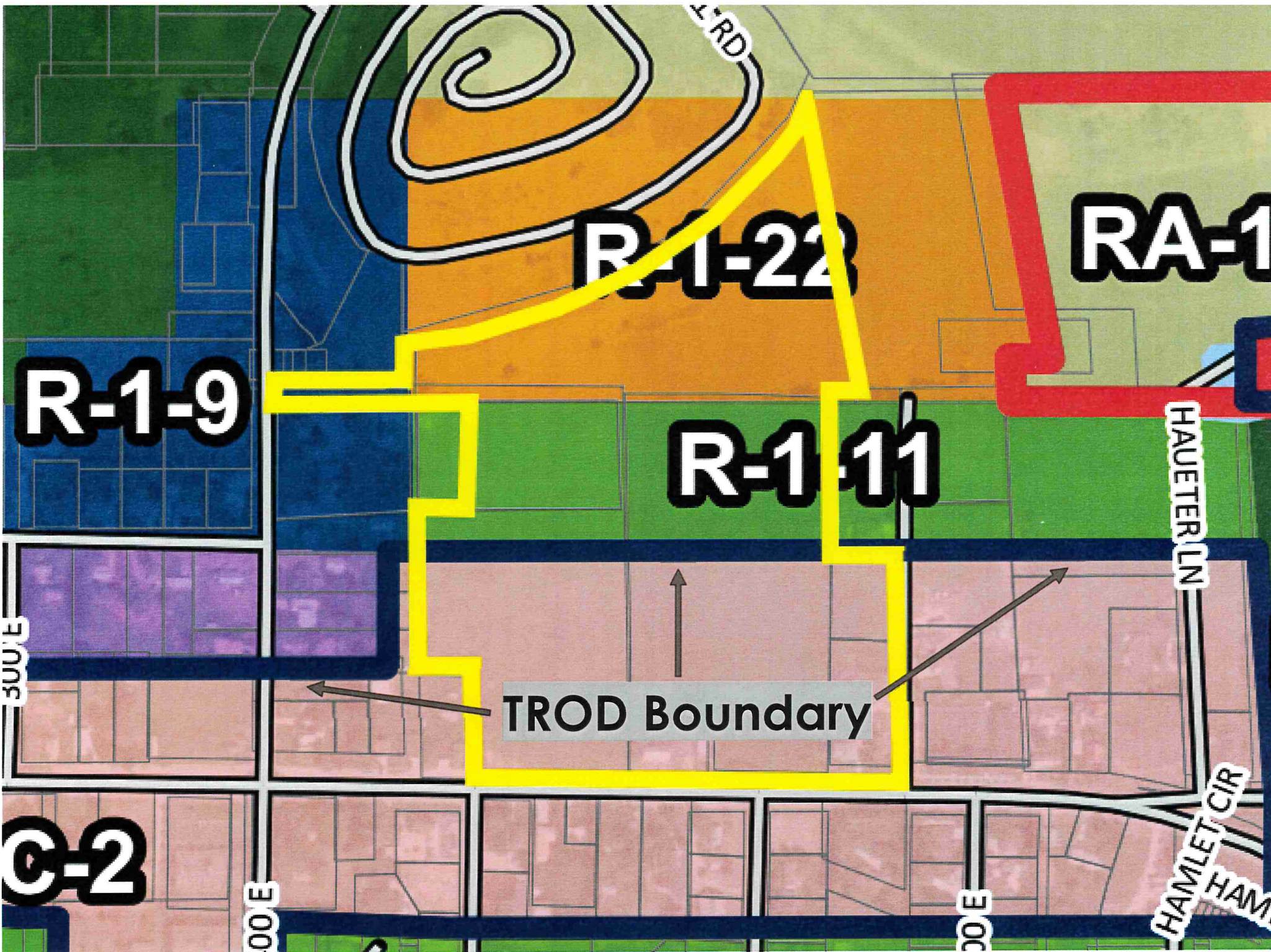
- Short-term rentals positively impact Midway in terms of transient rental taxes, residual tax impacts such as sales tax, local economy, and the ability to qualify to collect the resort tax
- It appears there will be a minimal, if any, impact on the existing neighbors

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council finds the proposal is acceptable and, in the community's, best interest.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

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 is not acceptable and not in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial



R-1-9

R-1-22

RA-1

R-1-11

TROD Boundary

300 E

C-2

400 E

500 E

HAUETER LN

HAMLET CIR

Transient Overlay: Existing TRD Line



Lots in the TRD Zone (Nightly Rentable)

- | | |
|---------|----------|
| Unit 1 | Unit 33 |
| Unit 2 | Unit 34 |
| Unit 3 | Unit 35 |
| Unit 4 | Unit 36 |
| Unit 5 | Unit 37 |
| Unit 6 | Unit 38 |
| Unit 7 | Unit 39 |
| Unit 8 | Unit 40 |
| Unit 9 | Unit 41 |
| Unit 10 | Unit 42 |
| Unit 11 | Unit 43 |
| Unit 15 | Unit 44 |
| Unit 16 | Unit 45 |
| Unit 17 | Unit 101 |
| Unit 18 | Unit 130 |
| Unit 19 | Unit 131 |
| Unit 20 | Unit 132 |
| Unit 21 | Unit 133 |
| Unit 22 | Unit 134 |
| Unit 23 | Unit 135 |
| Unit 24 | Unit 136 |
| Unit 25 | Unit 137 |
| Unit 26 | Unit 138 |
| Unit 27 | Unit 139 |
| Unit 28 | Unit 140 |
| Unit 29 | Unit 141 |
| Unit 30 | Unit 142 |
| Unit 31 | Unit 143 |
| Unit 32 | |

- TRD Line
- TRD Zone

Transient Overlay: Proposed Change (Planning Rec.)



Lots in the TRD Zone (Nightly Rentable)

Unit 1	Unit 33	Unit 12
Unit 2	Unit 34	Unit 13
Unit 3	Unit 35	Unit 14
Unit 4	Unit 36	Unit 46
Unit 5	Unit 37	Unit 47
Unit 6	Unit 38	Unit 48
Unit 7	Unit 39	Unit 49
Unit 8	Unit 40	Unit 50
Unit 9	Unit 41	Unit 99
Unit 10	Unit 42	Unit 100
Unit 11	Unit 43	Unit 102
Unit 15	Unit 44	Unit 125
Unit 16	Unit 45	Unit 126
Unit 17	Unit 101	Unit 127
Unit 18	Unit 130	Unit 128
Unit 19	Unit 131	Unit 129
Unit 20	Unit 132	
Unit 21	Unit 133	
Unit 22	Unit 134	
Unit 23	Unit 135	
Unit 24	Unit 136	
Unit 25	Unit 137	
Unit 26	Unit 138	
Unit 27	Unit 139	
Unit 28	Unit 140	
Unit 29	Unit 141	
Unit 30	Unit 142	
Unit 31	Unit 143	
Unit 32		

- TRD Line
- TRD Zone
- Proposed TRD

Proposed TRD:

- Simple
- Follows Roads
- Shared Parking
- Within 100ft
- More Units