



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: November 9, 2021

NAME OF PROJECT: Daybell Garage Mixed Use Project – Restaurant and Residential Unit

NAME OF APPLICANT: Wayne Gordon, agent for Bill Nibley

AGENDA ITEM: Conditional Use Permit

LOCATION OF ITEM: 289 South Center Street

ZONING DESIGNATION: C-2

ITEM: 2

Wayne Gordon, agent for Bill Nibley, is requesting approval of a conditional use permit that would allow a mixed-use development on the Daybell Garage property. The proposed mixed use would consist of a restaurant and a residential unit. The property is located at 298 South Center Street and is in the C-2 zone.

BACKGROUND:

This request for a Conditional Use Permit (CUP) by Wayne Gordon, agent for Bill Nibley, is for a mixed-use project that will include a commercial restaurant on the east end of the main floor of the existing structure and a residential unit on a proposed upper floor and the west end of the main floor. The C-2 zone allows for mixed-use projects which, in turn, allows one residential unit for properties less than one-acre in size. The structure has always been commercial, but if the proposed conditional use is approved, the applicant would add a second story for the residence. The parcel on which the project is proposed is lot 2 of the Theo Carlile Daybell Family Trust Small Lot Subdivision. The parcel is zoned C-2 and is 0.22 acres in size.

For the proposed commercial use, the code requires one stall for every 200sf of gross indoor dining area that is accessible to the public. Based on our calculations they will need to provide four parking stalls. For the proposed three-bedroom residence, the applicant will need to provide three parking stalls. In total the applicant will be required to provide a minimum of seven parking stalls.

Currently, vehicles can access the property along the entirety of the east frontage and at two points along the south frontage. These accesses are typically less safe and less predictable for vehicles and pedestrians who are using the adjacent sidewalks and roads. The proposed vehicular entrance will be on 300 South and the proposed vehicular exit will be onto Center Street, which is a UDOT facility. The applicant will need to get approval from UDOT for the modification and proposed use of the Center Street access. The proposed access will create a 24' wide one-way drive aisle through the property, which should help improve the safety by both designating how to enter and exit the property and narrowing the existing access point on Center Street.

Per the county parcel map, it appears that the original building may have been constructed as early as the 1950s. For purposes of our review, we have considered the building a grandfathered structure.

This item has been noticed in the local newspaper for two weeks and on the State's website for the Planning Commission meeting. Mailed notice will be sent out to all property owners within 600' before the public hearing by the City Council.

ANALYSIS:

The italicized text represents Planning Staff's comments pertaining to compliance or lack of compliance with the findings the City Council must make in considering this request. Section 16.26.120 requires specifically the Planning Commission to find that:

1. The proposed use is conditionally permitted within the Land Use Title, and would not impair the integrity and character of the intended purpose of the subject zoning district and complies with all the applicable provisions of this Code; *planning staff believes that the proposal will not impair the integrity and character of the C-2 zone. The proposal appears to comply with the requirements specific to mixed-use projects and restaurants as listed in the Municipal Code, including the requirement that at least 20% of the structure is commercial (proposal is 36% commercial). If approved, the applicant will need to record a deed restriction to ensure that at least 20% of the structure remains commercial.*
2. The proposed use is consistent with the General Plan; *the proposed uses appear to comply with the vision for the commercial centers as described in the General Plan. The General Plan promotes both restaurants and mixed-use developments within the commercial zones of the city.*

3. The approval of the conditional use or special exception permit for the proposed use is in compliance with the requirements of state, federal and Midway City or other local regulations; *Previous to the issuance of a building permit, the applicant will be required to obtain written approval from the Midway City Engineer. Among other things, they will need to address the sewer, culinary and irrigation connections. They will also need to address storm water detention and snow storage, etc. They have received a conditional recommendation of approval from the Vision Architectural Committee but must obtain a full recommendation before consideration by the City Council.*

The restaurant will need to apply for a business license from the city, along with any other licensing or permitting required by local, state or federal requirements. The business license will be issued once the conditional use is approved and conditions of the permit are met. The applicant will need to comply with all health department requirements and will need written approval from UDOT for the egress access shown on their plan.

4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *The applicant will be working with the city engineer to ensure the storm water is appropriately captured. No other concerns have been identified.*
5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses with the general area in which the proposed use is to be located and will not create significant noise, traffic, or other conditions or situations that may be objectionable or detrimental to other permitted uses in the vicinity or adverse to the public interest, health, safety, convenience, or welfare to the City; *the proposed mixed-use project is located in an existing commercial building that has a second floor added for the residential unit. The building is adjacent to both residential and commercial uses. Care should be taken by the applicant to ensure that the uses do not create unreasonable impacts upon the neighboring uses. Following are some items to consider:*

***Noise** – Midway City has a noise ordinance that the proposed uses will need to comply with. That ordinance requires noise at the property line to stay below 70 dBA between 6 AM and 10 PM. Between 10 PM and 6 AM, the noise at the property line should not exceed 55 dBA. The proposed restaurant entrances are oriented towards Center Street, while the residential entrance is located along rear/west side of the building. All dining will be located within the structure.*

***Clearview** - The applicant will need to ensure that anything (signage, trees, landscaping) placed within the 45' clear view area along the intersection of 300 South and Center Street is appropriately sized and does not create a safety hazard.*

Solid Waste – The applicant is proposing the use of trash canisters that would be located along the north side of the building behind a fence. Care should be taken to ensure that the trash containers are kept within the fenced area. The property adjacent to where they would be located is zoned commercial and is mostly vacant. The owner will be required to pull the containers to the designated public street for trash pickup.

Landscaping – The applicant is proposing to landscape all areas that are not covered by the building or exterior hardscape. Landscaping can have a significant impact in not only creating a separation between uses, but it can create both a visual and physical buffer between the parking and the public right-of-way. Minor grade changes from berms or small retaining walls can help create a nice buffer and streetscape in instances where parking and paved surfaces are directly adjacent to public rights-of-way. Care should be taken to ensure that the landscaping enhances the property and streetscape.

Setbacks – All structure setbacks will remain the same except for the setback to the west property line. The applicant is proposing a balcony for the residential unit. The C-2 Zone requires a 10' residential setback when part of a mixed-use development, which it appears to meet.

Parking/Vehicular Circulation/Drive-thru Window – Because the applicant is designing around an existing building on a relatively small parcel, a major obstacle encountered has been accommodating the various uses along with the vehicular parking and circulation requirements. The applicant would like to use a drive-thru window, but there currently is not adequate space to accommodate it along with the required parking and vehicular pass-through lane. The applicant is working with a neighboring property owner to see if they are able to lease property to help satisfy their required off-street parking. With city council approval, a business can relocate some required parking on a neighboring property. Because those arrangements are not in place, the applicant is proposing a phased approach to realizing the drive-thru window. The current proposal would use the drive aisle as a pass-through for vehicles and parallel parking. If the applicant can negotiate a lease allowing them to relocate some of their required parking to a neighboring property, and that arrangement is approved by the city council, they would then install the drive-thru window and move the pass-through lane to the south where the two parallel parking spots are. Staff is supportive of them installing a normal window in the spot where a future drive-thru window would be located, but we would recommend that no drive-thru window is installed until an off-site parking agreement is in place and the two parallel parking stalls are relocated

Currently, the site plan shows two stalls in the garage and five off-street parking stalls, which satisfies their obligation to provide seven off-street parking stalls.

6. The subject site is physically suitable for the type and density/intensity of the proposed use; *The parcel is part of an approved subdivision plat and is in the C-2 zone. While the site is tight in relation to the proposed uses, it appears that the applicant can fit the required improvements.*
7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to ensure that the proposed use would not be detrimental to public health and safety; *the applicant is working with city staff, the city engineer, UDOT and utility providers to ensure that adequate measures are taken to ensure that public health and safety guidelines are met.*

WATER BOARD RECOMMENDATION:

- 1.5 acre feet when lot was platted as lot 2 of the Theo Carlile Daybell Family Trust Small Lot Subdivision
 - Covers the water requirement for the restaurant and outside irrigation
- 0.8 acre feet required for the new residential unit
- Recommended water dedication: 0.8 acre feet

POSSIBLE FINDINGS:

- The proposed use is a conditional use in the C-2 zone.
- The proposal is consistent with the vision of the General Plan for Main Street.
- A drive-thru window will not be installed and used unless the required off-street parking is moved onto an adjacent parcel, which is subject to the approval of the city council.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission feels that conditions placed on the approval can resolve any outstanding issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

2. Continuance. This action can be taken if the Planning Commission feels 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

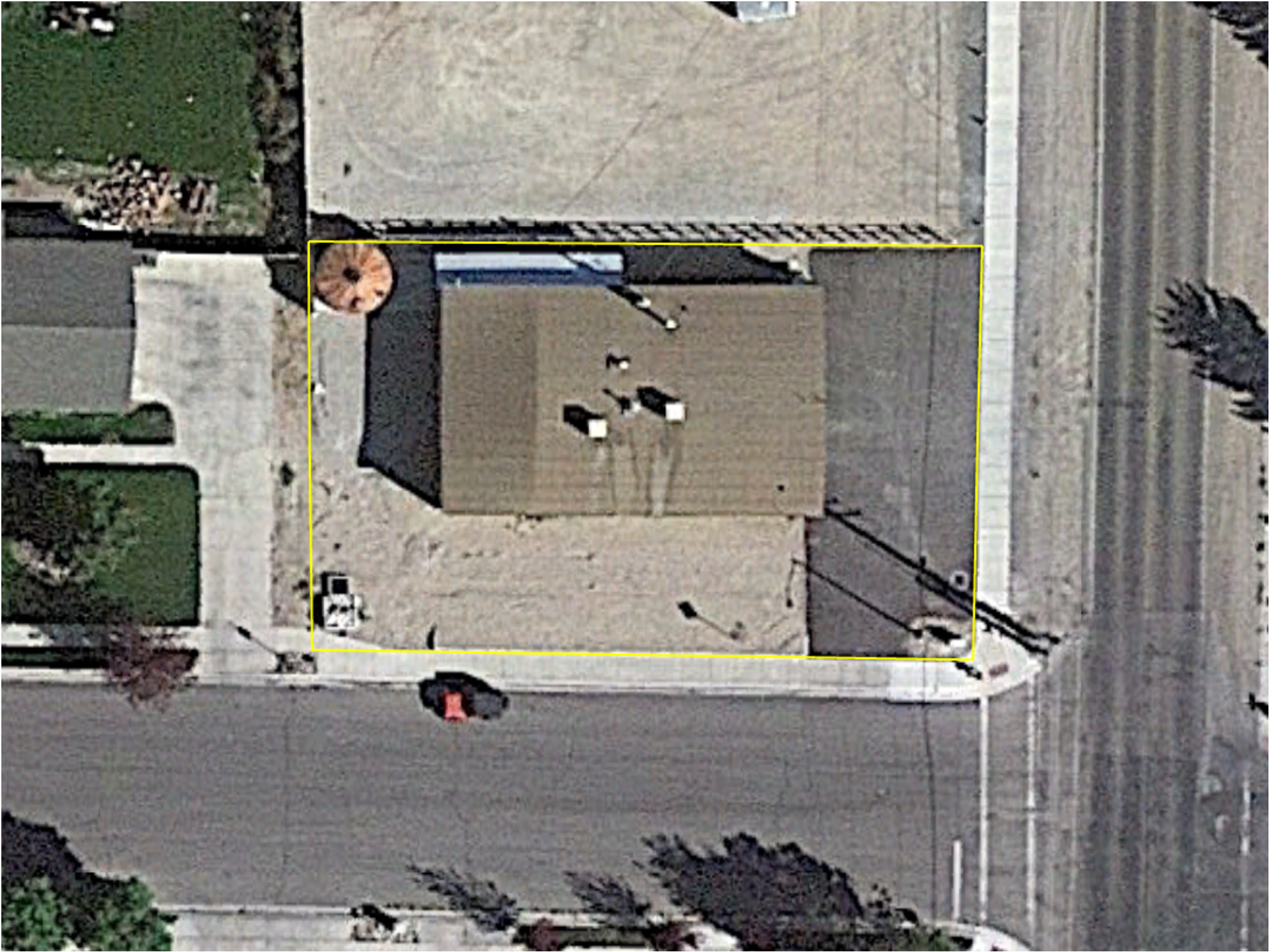
3. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

RECOMMENDED CONDITIONS:

1. Must have approval from UDOT for existing access before proceeding to the City Council.
2. Must obtain an updated will-serve letter from Midway Irrigation Company before building permit approval.
3. No building permit may be issued unless final written approval has been provided by the City Engineer.
4. Must obtain a final recommendation of approval from the Vision Architectural Committee before consideration by the City Council.









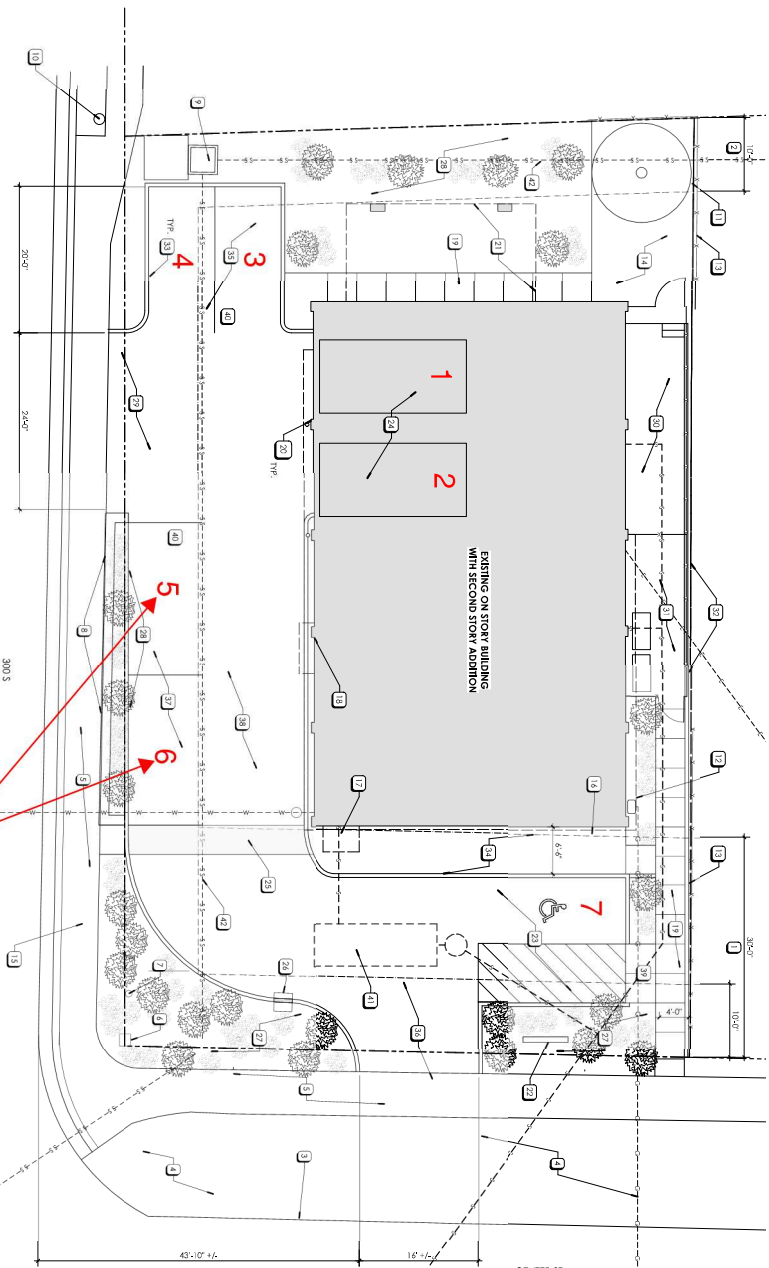


DAYBELL GARAGE

STRAIGHT LINE
SERVICES







SITE PLAN
Scale: 1/8" = 1'-0"



If in the future the City Council approves a cross parking agreement, these parking spots may be relocated off-site, allowing for the use of a drive-thru window on the north side of the drive aisle and a vehicular pass through on the south side of the aisle.

SITE PLAN KEYED NOTES

1. FRONT SETBACK: 5' MIN. / 8' MAX.
2. 10' COMMERCIAL SETBACK FROM [R] RESIDENTIAL USE
3. [R] REFRIGERATION UNIT
4. [R] REFRIGERATION UNIT
5. [R] SIDEWALK
6. [R] COMMAND AND CONTROL BOX
7. [R] FRONT PORCH WALL
8. [R] FRONT PORCH WALL
9. [R] ABOVE GRADE CATCH BASIN PER GRADING PLAN
10. [R] FIRE HYDRANT
11. [R] SIGN TO REMAIN
12. [R] SIGN TO REMAIN
13. [R] FOOT & WALL FENCE TO REMAIN
14. [R] CONC. PAVING
15. [R] CONC. PAVING
16. [R] CONC. PAVING
17. NEW BUILDING ENTRY WITH CANOPY
18. PROPOSED DOUBLE-GLAZED WINDOW WITH CANOPY
19. CONC. WALK
20. BOLARDO
21. BALCONY ABOVE
22. [R] STAIRS TO MAX. 48" DEPTH AND RAIL
23. WAY
24. ACCESSIBLE PARKING SPACE W/ BRIDGE AND A 8'0" WIDE AISLE
25. N.O.M. 10' X 20' RESERVE PARKING: (2) STALLS IN ATTACHED
26. PAINTED PROHIBITION Aisle
27. CLEAR WALKER & CATCHER SIGN PER APCA DETAIL 833 TO REPLACE
28. [R] COMMAND AND CONTROL BOX
29. [R] COMMAND AND CONTROL BOX
30. [R] LANDSCAPING
31. [R] LANDSCAPING
32. DRIVEWAY ACCESS FOR 2-WAY DRIVE-IN/OUT PARKING
33. PROPOSED CONC. DRIVEWAY WITH CONC. PAVING
34. CONC. DRIVEWAY WITH CONC. PAVING
35. CONC. DRIVEWAY WITH CONC. PAVING
36. CONC. DRIVEWAY WITH CONC. PAVING
37. CONC. DRIVEWAY WITH CONC. PAVING
38. CONC. DRIVEWAY WITH CONC. PAVING
39. CONC. DRIVEWAY WITH CONC. PAVING
40. CONC. DRIVEWAY WITH CONC. PAVING
41. CONC. DRIVEWAY WITH CONC. PAVING
42. CONC. DRIVEWAY WITH CONC. PAVING

ZONING ANALYSIS

ADDRESS: 298 S. CENTER ST. MIDWAY, UT
LEGAL DESCRIPTION: LOT 22, THE CANTON CEMETERY PLANNED FIRST ZONE, MAP 4, 1973 (UT 1973)
ACTUAL LOT AREA: 9727 SF (22 ACRES)
APPLICANT: DAYBELL, INC. (22 ACRES)
MAP COVERAGE: 2026 SF COMMERCIAL W/ LIMITED USE RESIDENTIAL

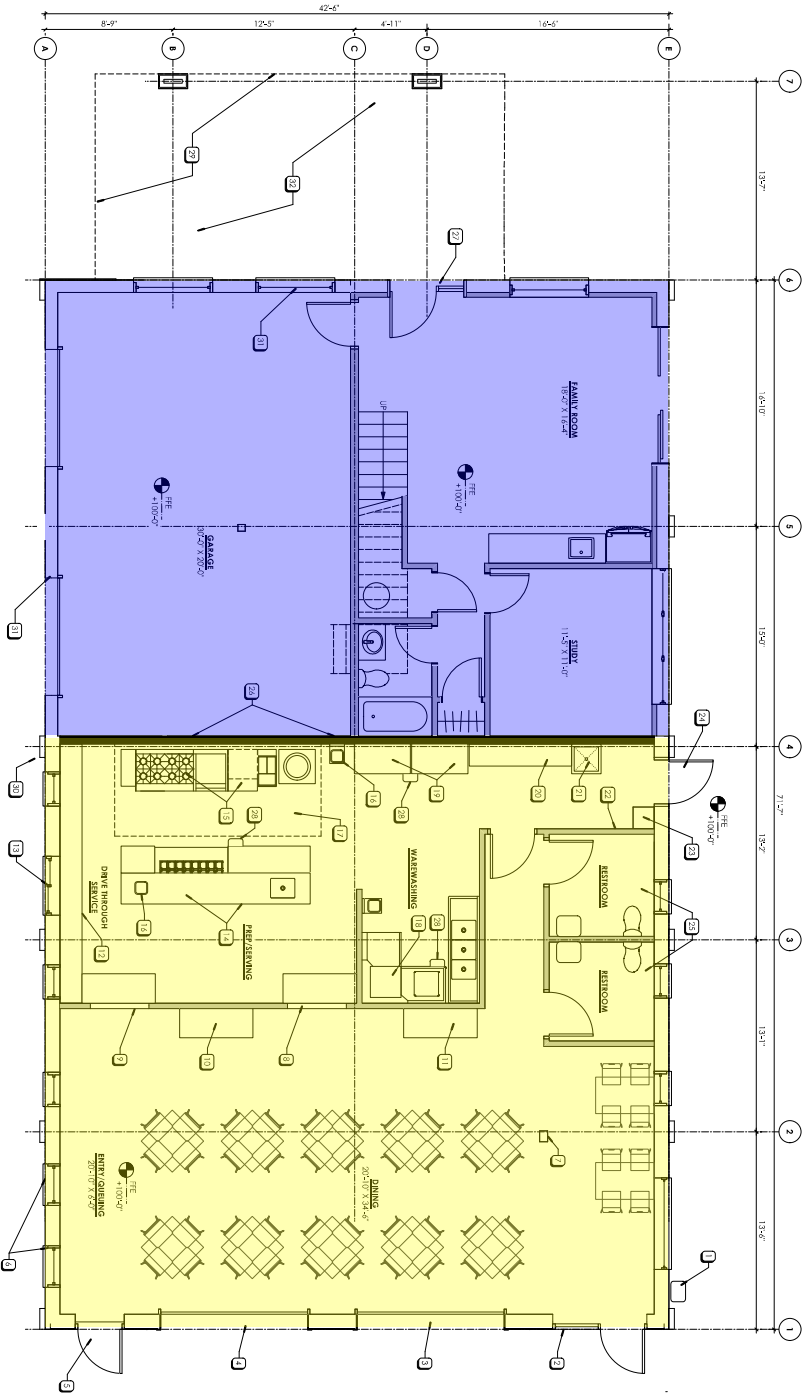
SETBACKS: 10' MIN. SETBACK FROM DRIVEWAY; 10' COMMERCIAL SETBACK FROM DRIVEWAY; 5' MIN. SETBACK FROM DRIVEWAY;
MAX. HEIGHT: 35'
PROPOSED HEIGHT: 27'

PARKING: ALL PARKING SHALL BE LOCATED IN THE SIDE OR REAR YARD.
CLASH WITH: ALL PARKING SHALL BE LOCATED IN THE SIDE OR REAR YARD.
LANDSCAPING: ALL LAND NOT COVERED BY DRIVEWAY SHALL BE PLANTED WITH TREES AND SHRUBS.
VARIANCES: REQUEST FOR VARIATION FROM THE CITY OF MIDWAY, UT.
PERMITS: REQUEST FOR PERMIT TO CONSTRUCT.

PARKING ANALYSIS

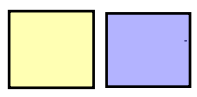
PARKING REQUIRED	3, 3 BOROCHUM LIGHT RESTAURANT	3
TOTAL	1,200 SF DRIVING SPACES, 70 SF	7
PARKING REQUIRED		5
CHARGE FOR PARKING		2
INCIDENTS (1) ACCESSIBLE VAN SPACE WITH LOADING AREA		1





MAIN LEVEL FLOOR PLAN
 Scale: 1/4" = 1'-0"

- ### FLOOR PLAN KEYED NOTES
1. (R) GAS METER
 2. DOOR & SILLIGTS TO REPLACE (R) DOOR & WINDOW (P) AND
 3. OVERHEAD DOOR TO REPLACE (R)
 4. OVERHEAD DOOR W/ WALL INLET TO REPLACE (R) MATCH ADJ.
 5. (N) DOOR & RESTROOM ENTRY
 6. WINDOW W/ BRICK WALL INLET TO REPLACE (R)
 7. (R) RESTROOM COLUMN: VERIFY REMOVAL W/ STRUCTURAL
 8. (R) RESTROOM WINDOW
 9. (R) DRINK STATION
 10. (R) TRASH RECEPTACLES
 11. (R) TRASH RECEPTACLES
 12. (R) TRASH RECEPTACLES
 13. (R) TRASH RECEPTACLES
 14. (R) TRASH RECEPTACLES
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 17. (R) TRASH RECEPTACLES
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 20. (R) TRASH RECEPTACLES
 21. (R) TRASH RECEPTACLES
 22. (R) TRASH RECEPTACLES
 23. (R) TRASH RECEPTACLES
 24. (R) TRASH RECEPTACLES
 25. (R) TRASH RECEPTACLES
 26. (R) TRASH RECEPTACLES
 27. (R) TRASH RECEPTACLES
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 30. (R) TRASH RECEPTACLES
 31. (R) TRASH RECEPTACLES
 32. (R) TRASH RECEPTACLES

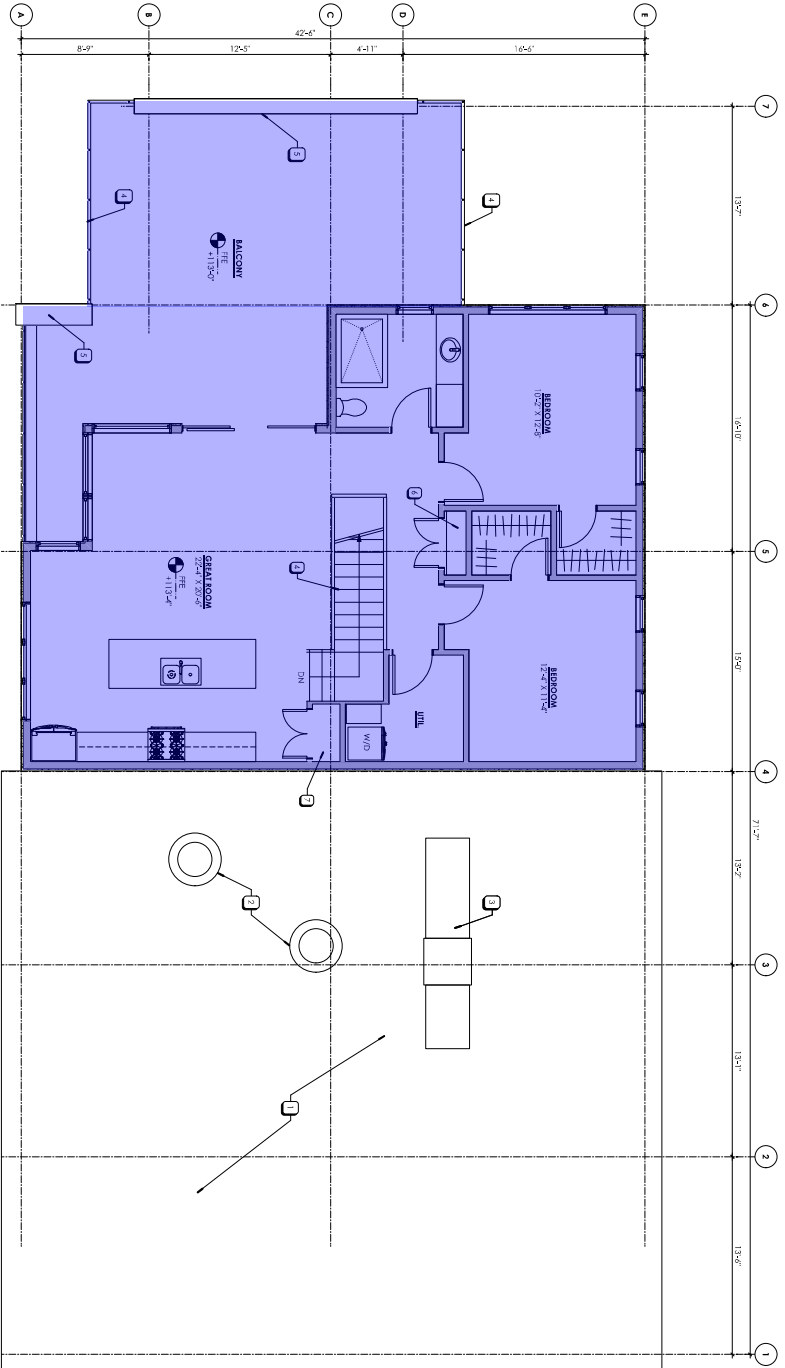


Residential Area
 Commercial Area

LEGEND
 EXISTING CONSTRUCTION
 NEW CONSTRUCTION
 2" HIGH RATED CONSTRUCTION



Residential Area



2 UPPER LEVEL FLOOR PLAN
Scale: 1/4" = 1'-0"



- FLOOR PLAN KEY NOTES**
1. BALCONY
 2. KITCHEN HOOD EXHAUST FAN
 3. KITCHEN HOOD MAKEUP AIR INLET
 4. CORE BATHING
 5. BATHING WITH STONE CLADDING
 6. LINEN CLOSET
 7. PANTRY

LEGEND

- EXISTING CONSTRUCTION
- NEW CONSTRUCTION
- 2 HOUR RATED CONSTRUCTION

AMD
ARCHITECTURE & MECHANICAL DESIGN
12011 STREET
SUITE 100
MIDWAY, UT 84053
TEL: 801.224.8333
WWW.AMDARCHITECTURE.COM

DESIGN REVIEW SET - NOT FOR CONSTRUCTION

DAYBELL
298 S. CENTER ST.
MIDWAY, UT

DATE: 10/20/21
REVISIONS:
A1.1

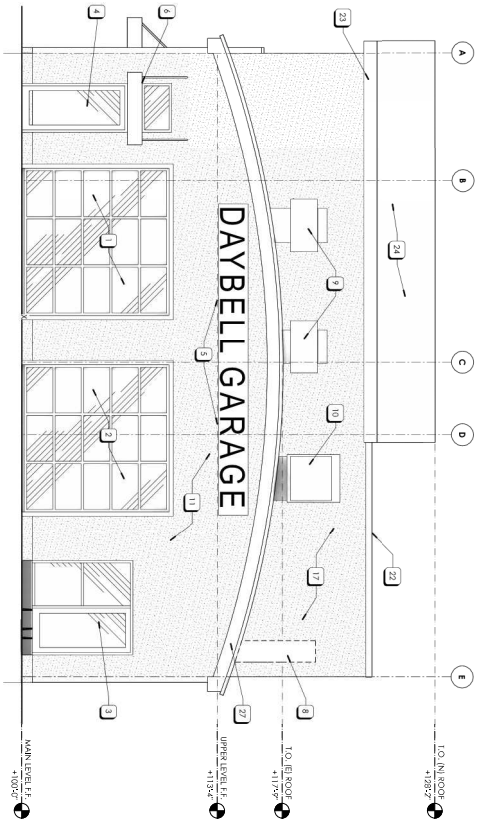
UPPER LEVEL FLOOR PLAN
A1.1



CLAY POT CURRY CO.

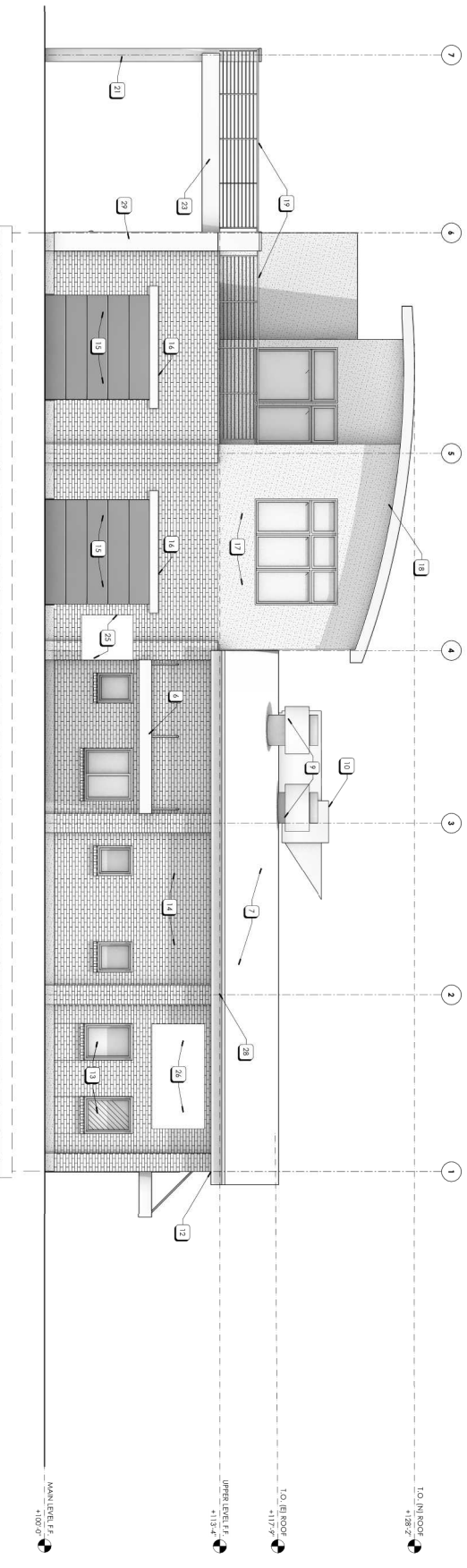
3 PROPOSED COMMERCIAL TENANT LOGO

Scale: NOT TO SCALE



2 EAST ELEVATION

Scale: 1/4" = 1'-0"



1 SOUTH ELEVATION

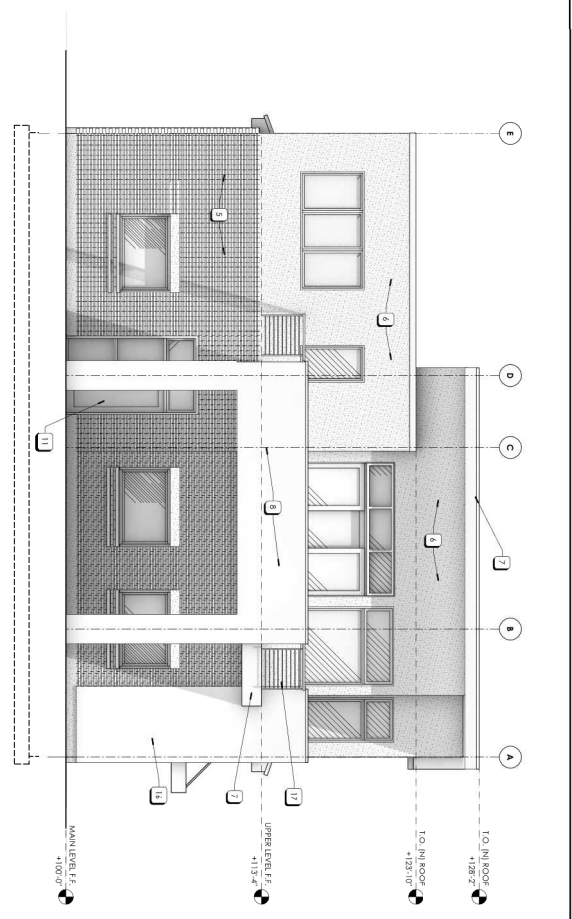
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EXTERIOR ELEVATION KEYED NOTES

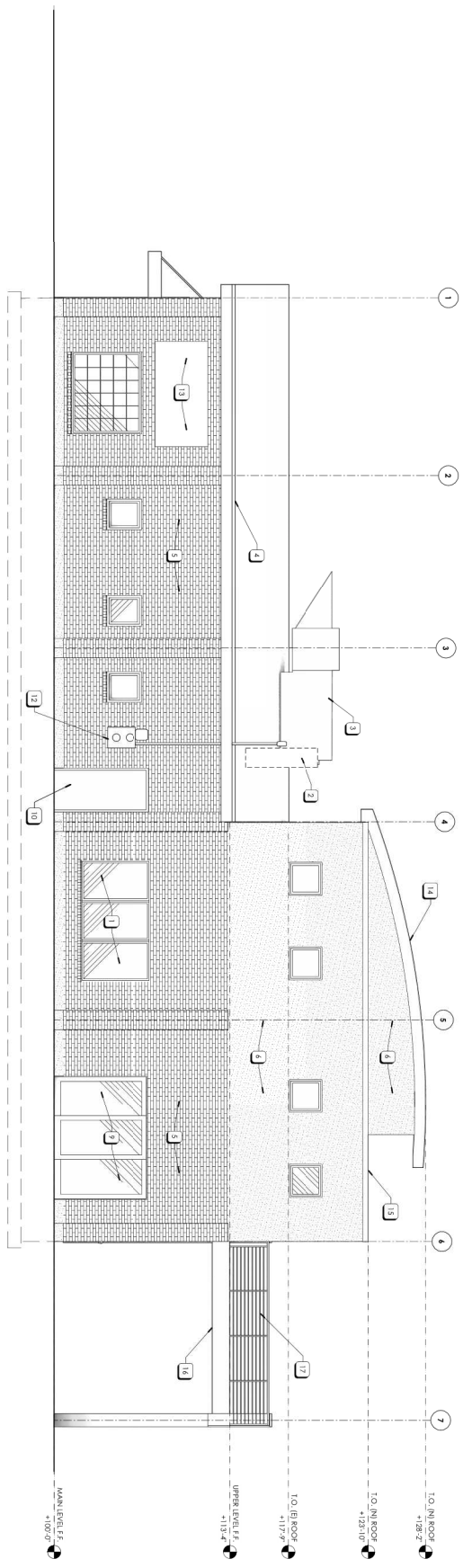
- GLASS/FIBER REINFORCED OVERHEAD DOOR TO REPLACE (E) 1. GLASS/FIBER REINFORCED OVERHEAD DOOR TO REPLACE (E) 2. GLASS/FIBER REINFORCED OVERHEAD DOOR TO REPLACE (E) 3. ALUMINUM STORAGE DOOR & REBRIDGE (E) TO REPLACE (E) 4. ALUMINUM STORAGE DOOR WITH BLURRED DOOR FOR ADA 5. ALUMINUM STORAGE DOOR IN NEW KITCHEN OPENING 6. REINFORCE BUILDING SIGN TO REMAIN. REPAIR AS REQUIRED PART OF BUILDING DETAIL 7. REINFORCE BUILDING SIGN TO REMAIN. REPAIR AS REQUIRED PART OF BUILDING DETAIL 8. REINFORCE BUILDING SIGN TO REMAIN. REPAIR AS REQUIRED PART OF BUILDING DETAIL 9. REINFORCE BUILDING SIGN TO REMAIN. REPAIR AS REQUIRED PART OF BUILDING DETAIL 10. REINFORCE BUILDING SIGN TO REMAIN. REPAIR AS REQUIRED PART OF BUILDING DETAIL 11. REINFORCE BUILDING SIGN TO REMAIN. REPAIR AS REQUIRED PART OF BUILDING DETAIL 12. REINFORCE BUILDING SIGN TO REMAIN. REPAIR AS REQUIRED PART OF BUILDING DETAIL 13. WINDOW & BRICK WALL INTEL TO REPLACE (E) WINDOW & CMU WALL INTEL 14. SECTIONAL DOOR IN BALANCED WINDOW OPENING 15. STEEL LINER 16. STEEL LINER 17. STUCCO 18. STUCCO 19. CEMENT FINISH 20. N/A 21. COLUMN WITH CONCRETE SURFACING (BARB OR BUSH-OUT) 22. METAL FLASHING & ROOF 23. METAL FLASHING & ROOF 24. METAL FLASHING & ROOF 25. METAL FLASHING & ROOF 26. BUILDING JOINTS WALL SIGN (SEE PLAN) 27. BUILDING JOINTS WALL SIGN (SEE PLAN) 28. REPLACE (E) METAL FLASHING & ROOF TO MATCH BUILDING JOINTS 29. REPLACE (E) METAL FLASHING & ROOF TO MATCH BUILDING JOINTS

GENERAL COLOR NOTES

1. EXTERIOR BRICK TO REMAIN (SEE PLAN)
2. EXTERIOR BRICK TO REMAIN (SEE PLAN)
3. EXTERIOR BRICK TO REMAIN (SEE PLAN)
4. EXTERIOR BRICK TO REMAIN (SEE PLAN)
5. EXTERIOR BRICK TO REMAIN (SEE PLAN)
6. EXTERIOR BRICK TO REMAIN (SEE PLAN)
7. STONE PANELS TO REMAIN (SEE PLAN)



2 WEST ELEVATION
Scale: 1/4" = 1'-0"



1 NORTH ELEVATION
Scale: 1/4" = 1'-0"

- EXTERIOR ELEVATION KEYED NOTES**
1. BRICK
 2. REMOVE IS IS SPECIFICALLY IN/ROUND MASSONRY CHIMNEY
 3. REMOVE IS IS SPECIFICALLY IN/ROUND MASSONRY CHIMNEY
 4. (B) METAL FASCIA & SOFFIT TO REMAIN
 5. (B) METAL FASCIA & SOFFIT TO REMAIN
 6. STUCCO
 7. METAL FASCIA & SOFFIT
 8. REMOVE CONCRETE SPANDREL BARS OF DESIGN - OLD
 9. DOOR @ BULKHEAD WALL OPENING
 10. HOLLOW METAL DOOR & FRAME IN OPENING
 11. REMOVE BRICK @ BULKHEAD WALL OPENING
 12. ELECTRICAL WIRING AND OVERHEAD SERVICE
 13. BUILDING WOODEN WALL WITH (2) 2" X 4" S
 14. METAL SILL & SOFFIT
 15. CONCRETE SILL PANEL VIBERS BACK OF DESIGN - OLD SILL BY REBER
 16. CONCRETE SILL PANEL VIBERS BACK OF DESIGN - OLD SILL BY REBER
 17. CABLE RAINING

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DESIGN REVIEW SET - NOT FOR CONSTRUCTION

DAYBELL
298 S. CENTER ST.
MIDWAY, UT

DATE: 10/20/21
REVISIONS:

EXTERIOR ELEVATIONS
A2.2



DATE
10/20/21

REVISIONS

TITLE SHEET

G0.0

September 14, 2021

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

Subject: Daybell Garage Conditional Use Permit Review

Dear Michael:

Horrocks Engineers recently reviewed the plans for the above mixed use development. The following issues should be addressed before a building permit is issued.

General: The proposed mixed use development is located at approximately 298 South Center Street. The proposed use will include a restaurant on the main floor with a residential unit on the second level. Final construction site plans should be approved prior to final approval.

Water

- Applicant should verify that the existing lateral has adequate flow for both the restaurant and residential unit.

Roads

- The applicant will need to get an approved access permit from UDOT for the proposed driveway access onto Center Street prior to any approval from City Council.

Storm Drain

- The site will need provide a storm drain analysis for 25 year – 24 hour storm event and hold that water onsite. Then it can discharge into the existing irrigation line that runs through the property and south on Center Street.

Please feel free to call our office with any questions.

Sincerely,
HORROCKS ENGINEERS



Wesley Johnson, P.E.
Midway City Engineer

cc: Wayne Gordon AMD Architecture