



Midway

**PLANNING COMMISSION MEETING STAFF REPORT**

**DATE OF MEETING:** November 8, 2022

**NAME OF PROJECT:** Springer Farms

**PROPERTY OWNER:** Atlas Holdings and Travis Nokes

**AUTHORIZED REPRESENTATIVE:** Travis Nokes

**AGENDA ITEM:** Springer Farms Commercial Planned Unit Development

**LOCATION OF ITEM:** 65 North 200 West

**ZONING DESIGNATIONS:** C-3

**ITEM: 4**

Travis Nokes, representative for Atlas Holdings, has submitted a Preliminary application and Conditional Use Permit for the proposed Springer Farms, a mixed-use project on approximately 1.26-acres. The proposed plan is a commercial planned unit development and includes eateries, commercial space, and short-term lodging. The property is located at 65 North 200 West in the C-3 zone.

**BACKGROUND:**

Travis Nokes, representative for Atlas Holdings, is proposing preliminary approval of Springer Farms which will contain 24 units which will include lower floor commercial and upper floor short-term rentals on the 1.26-acre parcel. Currently there is a restaurant under construction on the site on the location of a dwelling that was demolished. The applicant would now like subdivide the property and create a commercial condominium planned unit development. 26 units would be created which include eleven commercial units on the lower floors (including the restaurant currently under construction) and 15

short-term rental units on the upper floors (including the full dwelling unit above the restaurant that is currently under construction). The landscape and parking areas will be recorded as common area and will be maintained by the Property Owners' Association.

The site is located to the west of Town Square and fronts on 200 West. The property is in the C-3 zone and commercial condominiums are allowed as a conditional use. The property is located an important area of Midway because it surrounds the Town Square. The C-3 zone, that includes and surrounds the Town Square, is distinct from the C-2 zone which covers the majority of Main Street heading to the east. The difference between the two zones is the C-3 zone is more restrictive than the C-2 zone. For example, where the C-2 zone allows for several uses associated with vehicles such as gasoline stations and car washes, the C-3 zone is more restrictive and does not allow these types of uses. The C-3 zone is focused on restaurants, retail, offices, and other similar types of commercial. The purpose of this distinction is to create a walkable core to Midway that is a gathering area for the community. The City Council has recently reviewed a proposed master plan for the Town Square that will help the Town Square to be more usable year-round and a gathering place for the community. The City is also interested in compatible uses developing around the Town Square that will compliment the area and create an active and vibrant Midway core. The Springer Village will help create that core with its eateries, commercial, and nightly rentals.

There are existing residents and commercial businesses in the area that will be impacted by the development and careful planning must be taken to mitigate negative impacts wherever reasonably possible. Because commercial planned unit developments are a conditional use, the City Council may require reasonable conditions to mitigate negative impacts to the neighbors and the area. Conditional uses are governed by the following standards:

- (a) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
- (b) If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

**LAND USE SUMMARY:**

- 1.26 acres (the applicant owns another contiguous parcel that is 0.59 acres, this parcel will be developed as part of a separate application though and access and utilities will cross the smaller parcel)
- Will be recorded as one plat

- C-3 zone
- Three buildings
- 26 units
  - 10 lower floor commercial units
  - 14 upper floor short-term rentals (will not include kitchens, wet bars, or individual laundry facilities)
  - Restaurant
  - One full dwelling unit above restaurant
- Private driveways, parking, and landscaping that will be common area and will be maintained by the POA

**ANALYSIS:**

*Water Rights* – This item will be reviewed by the Water Board on December 5, 2022.

*Traffic Circulation and Access* – Springer Farms will have access directly to 200 West. There will be another access to Main Street that crosses another parcel owned by the developer. An access easement will need to be recorded across the property not included in this application to assure continued access.

*200 West Improvements* – The developer will be required to improve 200 West to UDOT requirements. The improvements will include new sidewalk, park strip, streetlights, and road improvements. Prior to any work in the UDOT right-of-way the developer is required to receive approval from UDOT

*Architectural Theme* – The developer is required to receive architectural approval of all structures in a commercial planned unit development. The developer is scheduled to present renderings to the Visual Architecture Committee on November 16, 2022. Specific review of each building will be required through the building permit approval process.

*Parking* – The developer is providing 40 stalls in the area of the application. Based on the information provided, 47 stalls are required for the proposal (14 short-term rental, 17 for the west building lower floor, eight for the south building lower floor, and six for the restaurant, and two for the dwelling unit). The developer could create more parking on the contiguous parcel that they own if that property were zoned C-3. Currently that parcel is zone R-1-7 and parking is not a permitted or conditional use except for parking associated with allowed uses in the R-1-7 zone. In other words, it is staff's interpretation of the code that a parking lot cannot be created in a residential zone to service a neighboring commercial zone. The applicant has discussed the

possibility of proposing a combined parking area plan (Section 16.13.39.C) or mixed-use parking plan (Section 16.13.39.D) that will allow for a reduction in the required parking stalls if the applicant shows, using recognized studies, a lower parking requirement is sufficient, the City Council may reduce the amount of parking.

*Open Space* – There is not a requirement for open space in a commercial condominium development.

*Setbacks* – The proposed development is required to meet the setback requirements for commercial buildings bordering residential uses in commercial zones and commercial buildings bordering residential zones. The minimum setback for commercial buildings bordering a residential use in a commercial zone is eight feet. The properties to the north and south of the development are both residential therefore the minimum setback is 8' for both boundaries. The minimum setback for commercial buildings bordering a residential zone is 15 feet. The property borders the R-1-7 on the west boundary; therefore, the minimum setback is 15' on the western boundary.

*Height of structures* – Structures cannot exceed 35' in height, measured from natural grade to the roof. Architectural elements may exceed the 35' limit as per code.

*Transient Rental Overlay District* – The transient rental overlay district (TROD) covers the entire project area. The proposal is to create 14 short-term rental units (possibly 15 if the full dwelling is also rented on a short-term basis). The units will not contain a kitchen, wet bar, or laundry facilities.

*Dwelling Unit* – The developer is proposing as part of the CUP, a full dwelling unit that will be located above the restaurant. One full dwelling unit is allowed per parcel in the C-3 zone as part of a mixed-use development. The unit may be lived in full-time or rented as a short-term rental if all the requirements are met. The unit was originally approved with no kitchen and water rights were calculated accordingly. With the proposal to create a full dwelling unit, water rights will need to be reevaluated.

*Property Owners' Association* – A property owners' association (POA) is required for any planned unit developments. It is the POA's responsibility to maintain common areas that include landscaping, driveways, and parking areas. It is also possible that the POA will be required to maintain the outer walls, roofs, and shared areas within the buildings such as hallways and stairs. The developer has submitted the proposed Declaration of Covenants, Conditions and Restrictions which will be reviewed by the City Attorney.

*Landscaping and Fencing Plan* – A landscaping plan must be submitted to the City for staff and VAC review. The landscaping and fencing may help mitigate nuisance issue such as light and noise for surrounding residences. Normally fencing is not a requirement for commercial development but since a commercial condominium is a conditional use permit, fencing could be required to help mitigate nuisances.

*Lighting Plan* – The applicant has submitted a statement that all lighting will have full cut-off as required by code. This requirement includes street lighting, commercial building lighting, and parking areas lighting. The purpose of the code is to assure the lights will comply the requirement of having full cut-off and to also assure that no light trespass will occur onto neighboring properties.

*Dumpster and Snow Storage Plan* – The developer has submitted a dumpster and snow storage plan. Dumpsters are required to be located in enclosures and the enclosures must be reviewed by the VAC.

#### **VISUAL AND ARCHITECTURAL COMMITTEE RECOMMENDATION:**

The Visual and Architectural Committee (VAC) will need to review the renderings for the proposed development. The developer plans on submitting renderings to the VAC for review in November.

#### **WATER BOARD RECOMMENDATION:**

This item will be reviewed by the Water Board on December 5, 2022.

#### **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.
- Commercial condominium developments are a conditional in the C-2 zone.
- Seven more stalls are required based on the proposed plans.

### **ALTERNATIVE ACTIONS:**

1. Recommendation for Approval (conditional). This action can be taken if the Planning Commission finds the proposal complies with the requirements of the code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Place condition(s) if needed
  
2. Continuance. This action can be taken if the Planning Commission 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. Recommendation for Denial. This action can be taken if the Planning Commission finds that the request does not comply with the requirements of the code.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

### **PROPOSED CONDITIONS:**

1. A landscaping and fencing plan must be submitted for review by the VAC and Water Board.
2. An access easement will need to be recorded across the property not included in this application to assure continued access from Main Street.
3. The plan must be modified to comply with parking requirements, or a combined parking area plan or mixed-use parking plan must be submitted and approved by the City Council.

November 8, 2022

Midway City  
Attn: Michael Henke  
75 North 100 West  
Midway, Utah 84049  
(Send via email)

**Subject: Springer Farms – Preliminary Review**

Dear Michael:

Horrocks Engineers recently reviewed the above mixed-use development preliminary plan. The proposed mixed-use development is located at approximately 65 North and 200 West. The entire development is ~1.85 acres. The following comments should be addressed.

General

- Prior to final approval a full set of plans for the whole development shall be provided for review.

Water

- The proposed development will be served from the Gerber Mahogany Springs zone.
- An 8-inch waterline will provide water to the development. This waterline will connect to the existing waterlines in Main Street and 200 West.
- Individual culinary meters should be provided to each separate property within the mixed-use development and sizes according to land use.

Irrigation

- The existing irrigation line on the north property line services both the proposed development and the property to the north. Prior to final approval the location of the line and service to each property shall be addressed.
- A proposed 2-inch irrigation line shall loop 200 West to Main Street and within the development and required irrigation services to meet required landscaping needs shall be installed.

Road

- All interior access and circulation will be private.
- Roadway cross section shall be shown with final plans.

Trails

- No trails are provided in the development.

Storm Drain

- The storm drain system within this mixed-use development is private and is proposing to use catch basins and a retention basin to collect the storm water. Prior to final approval a storm drain plan and calculations shall be provided to retain all storm water onsite.
- The mixed-use development will be responsible for maintenance of the storm water system.

Please feel free to call our office with any questions.

Sincerely,  
HORROCKS ENGINEERS



Wesley Johnson, P.E.  
Midway City Engineer

cc: Legend Engineering (sent via email)

# Midway City Corporation

Mayor: Celeste T. Johnson  
City Council Members  
Lisa Christen • Jeffery Drury  
J.C. Simonsen • Steve Dougherty  
Kevin Payne



75 North 100 West  
P.O. Box 277  
Midway, Utah 84049  
Phone: 435-654-3223  
Fax: 435-654-4120  
[midwaycityut.org](http://midwaycityut.org)

## Springer Village Preliminary Approval

November 1, 2022

Michael Henke Midway City Planning Director,

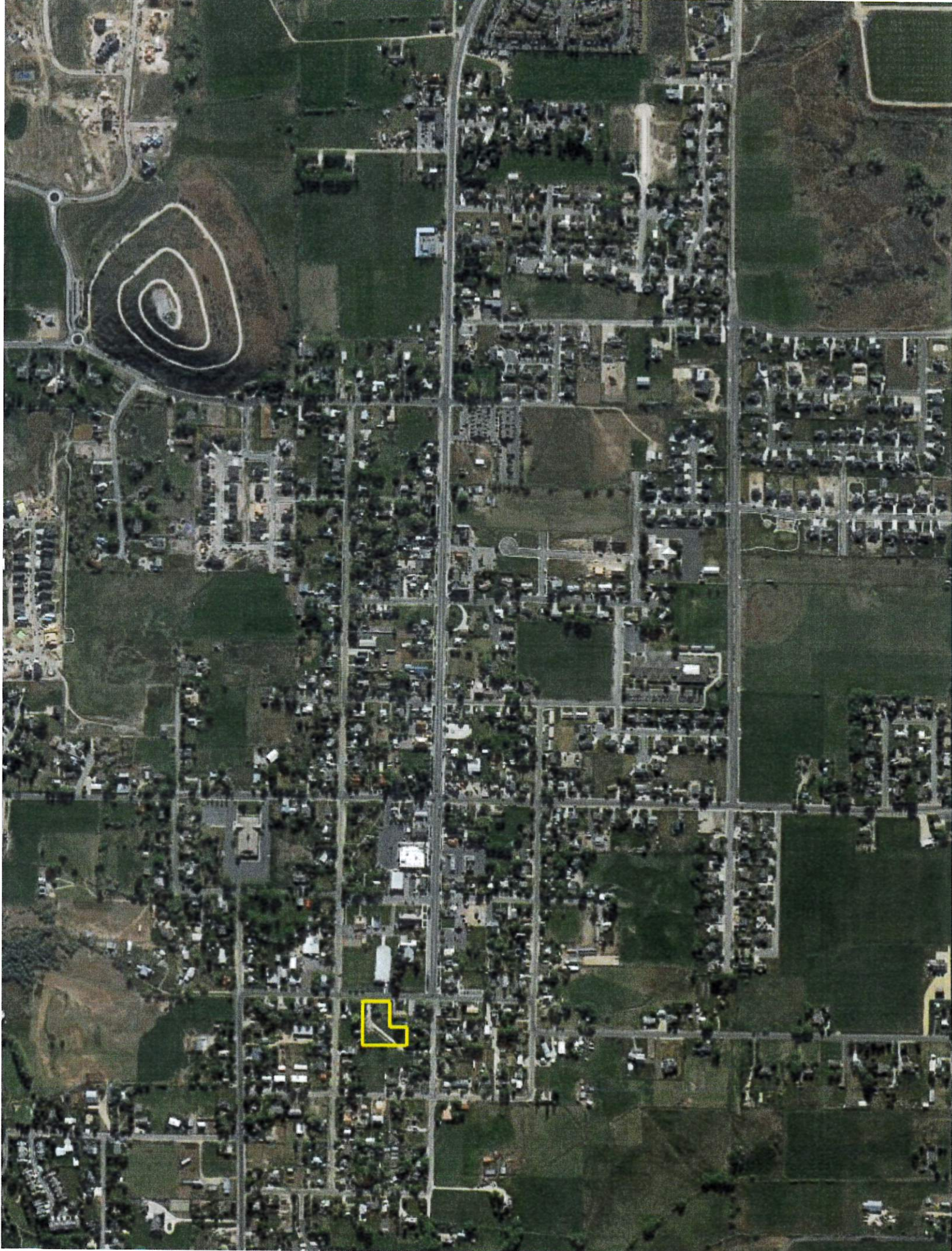
I have reviewed the preliminary plans for Springer Village for compliance with the 2018 International Fire Code (2018 IFC). The proposed plan meets the fire code requirements in the 2018 IFC including Appendix D for fire apparatus access. I have no fire code concerns with these preliminary plans that have already been approved by the Midway City Planning Commission and are now awaiting preliminary approval from the Midway City Council.

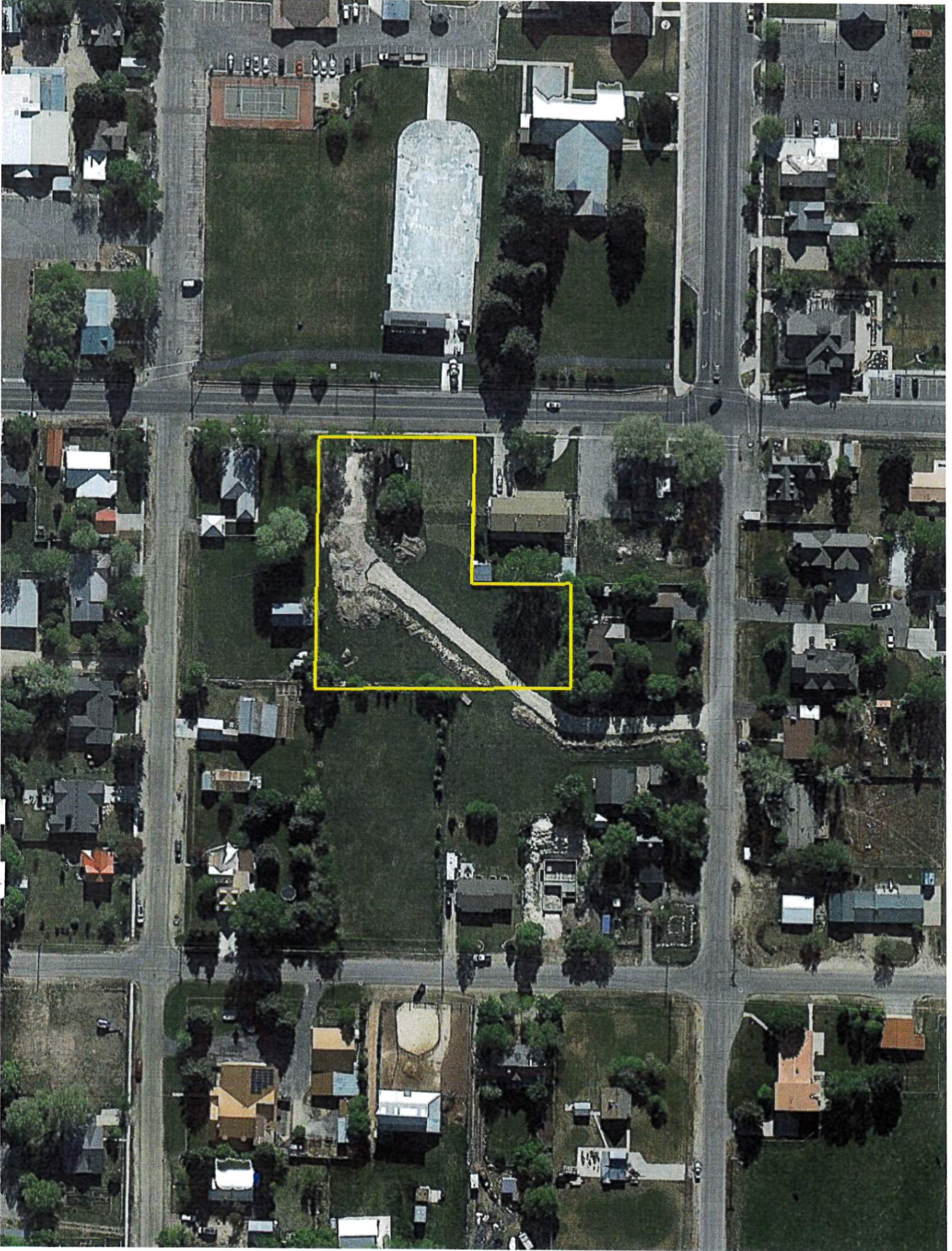
I will perform a final approval fire review of the Springer Village plans prior to final approval.

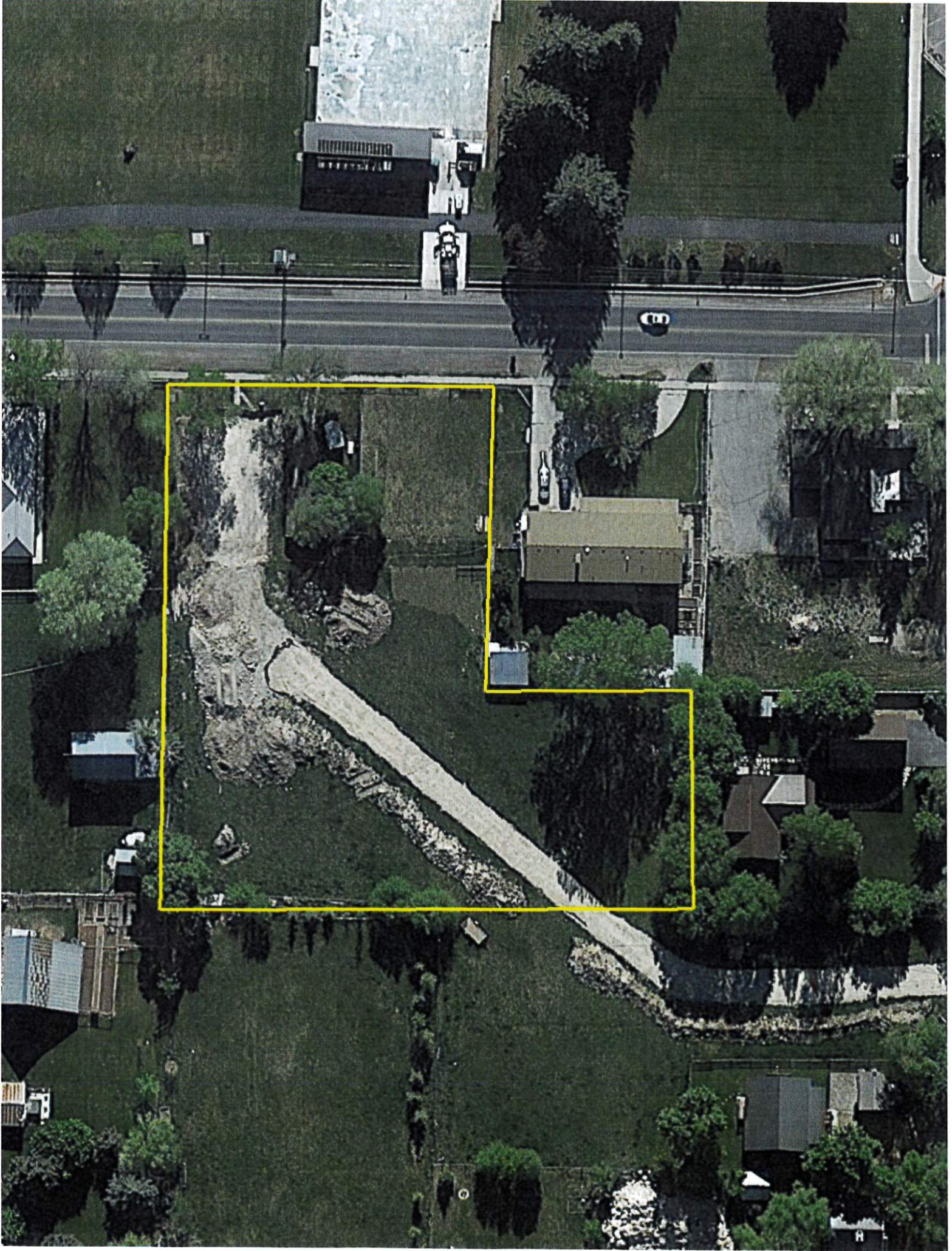


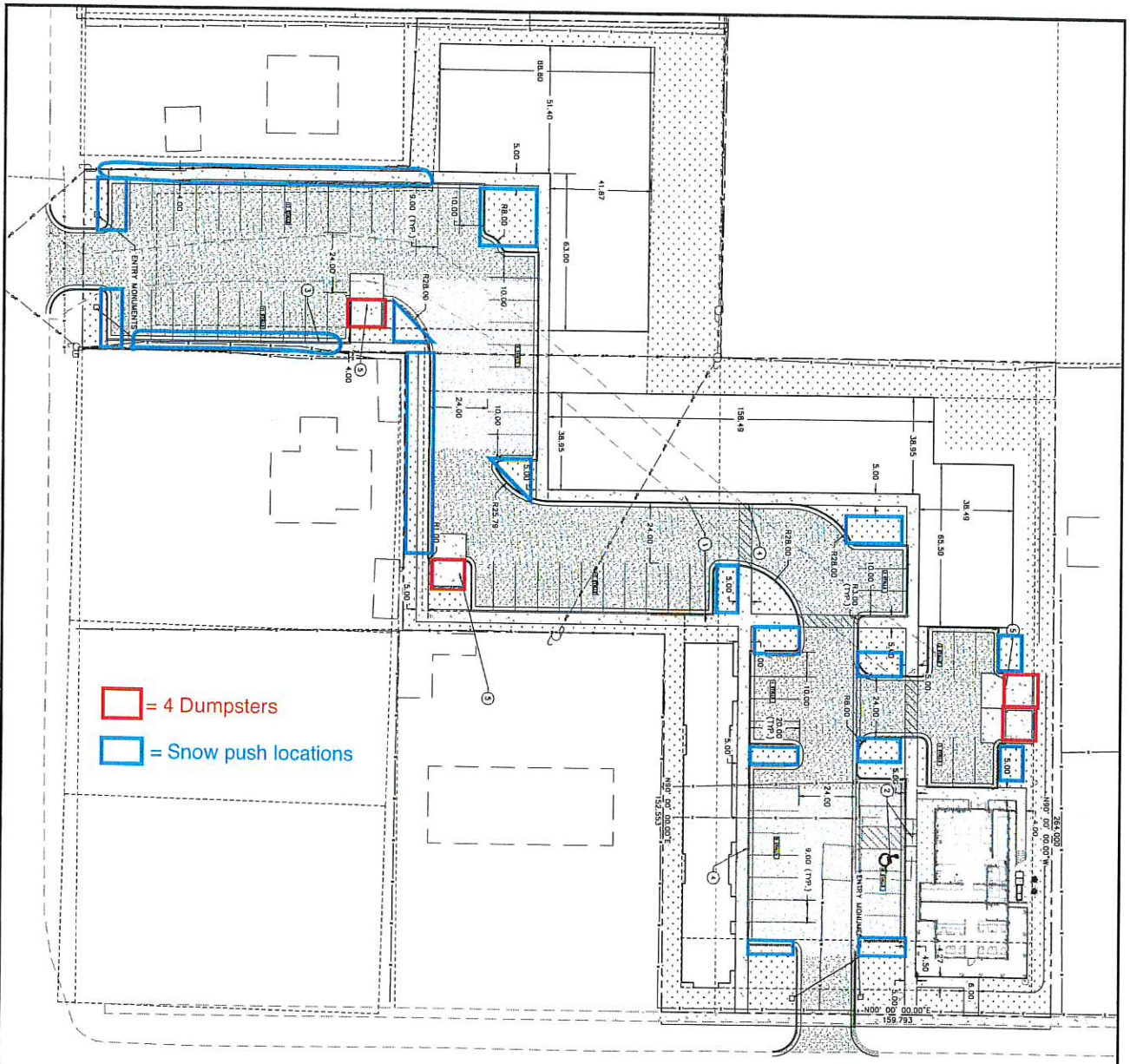
Tex R. Couch CBO/MCP  
Midway City Building Official/Fire Marshal  
75 West 100 North  
Midway, Utah 84049  
[tcouch@midwaycityut.org](mailto:tcouch@midwaycityut.org)  
(435)654-3223 Ext. 107











= 4 Dumpsters  
 = Snow push locations

**LEGEND**

LOT LINES (PROPERTY)  
 EXISTING CURB AND GUTTER  
 PROPOSED CURB AND GUTTER  
 SETBACK LINE  
 EXISTING FENCE  
 LANDSCAPE AREA  
 CONCRETE AREA  
 REVERSE PAN CHAM

- SITE REVISIONS:**
1. PROPOSED SIDEWALK PER APM PLAN 231;
  2. ALL ADA STAIRS AND RAMP TO BE INSTALLED PER ADA STANDARDS;
  3. PROPOSED CURB & GUTTER PER APM PLAN 205 TYPE E;
  4. PROPOSED REVERSE PAN CHAM AND GUTTER PER DETAIL 1;
  5. PROPOSED DUMPSTER LOCATION;
  6. PROPOSED 3" WATERWAY PER MODIFIED APM PLAN 211;

- GENERAL NOTES:**
1. CONTRACTOR SHALL CALL 811 PRIOR TO CONSTRUCTION;
  2. VERIFY ALL EXISTING UTILITY LINES AND STRUCTURES PRIOR TO CONSTRUCTION;
  3. ALL PROPOSED WATER LINES SHALL HAVE A MINIMUM OF 5' OF COVER;
  4. ALL SEWER, WATER AND STORM DRAIN PIPES SHALL BE BACKFILLED WITH 3/4" GRANULAR FILL;
  5. ANY OFF SITE DAMAGE TO EXISTING ASPHALT CURB & GUTTER, LANDSCAPE AND ALL UTILITIES SHALL BE REPAIRED IN KIND;
  6. ALL WORK SHALL BE ACCORDING TO CITY STANDARDS WATER LINES;

**811**

1" = 20'  
SCALE IN FEET

N

FOR PLANNED USE

**SPRINGER VILLAGE  
 SITE PLAN  
 65 NORTH 200 WEST, MIDWAY, UTAH 84049**



**LEGEND ENGINEERING**  
 65 WEST 100 NORTH  
 MIDWAY, UT 84049  
 PHONE: 435-654-4828  
 www.legendengineering.com

NO.	REVISION	BY	DATE

DESIGNED: CJ    CHECKED BY: LR

DATE: 8/14/2022  
 SHEET: C-1



## Springer Farms

### Project history and overview:

This 1.05 commercial acres has been owned by David Springer's family since 1885. The original home was built in 1899. David and I (Travis Nokes) recently purchased this land and were hoping to renovate the old home and protect the legacy that went with it. But after meeting with several general contractors and structural engineers, we found that it would be very difficult to make safe for future commercial use. We removed the home from the site in preparations of building a "replica" model of the home on the same spot. We were able to salvage many of the materials from the old home, that we hope to use in the construction of the new one. As you can probably imagine, this land has a lot of meaning to David and his family. The feelings run deep for the preservation and correct use of this land.

After pondering what it could be used for, we decided to design "A place to gather", for the residents, and the visitors to downtown Midway. The location of this property makes it the perfect spot for this. It literally sits across the street from Midway town square where the ever-popular "Swiss Days" takes place each year, drawing around 200,000 visitors from around the state and nation each September.

Our project is made up of 4 separate buildings. There will be ~~30~~<sup>24</sup> total units inside the buildings. The main floor units will be dedicated to retail space. The upper units of each building will be dedicated to nightly rentals. We plan to offer retail spaces from around 350 square feet to 2500 square feet.

### Benefits to our community:

Besides the charm that this "European" retail village will add, it will also provide jobs and housing for the employees that work in it. We estimate providing somewhere between 40 and 60 jobs for local youth and adults. Next, we are looking into the option of adding solar to the community. We feel that this could add to the attraction of our village to tenants in helping keep the costs of utilities low and more consistent each month, as well as conserving energy and resources of the city, county and planet.

### Midway growth and potential:

As you are well aware, Midway and the Heber valley are one of the fastest growing, and most popular destination spots in the state of Utah.

Prior to this week, we have made little efforts in renting the retail space, and no public marketing besides a sign in front of the development that we recently added. However, through word of mouth, we have been approached by several companies and individuals that have expressed interest in the rental space that we will be offering. We already have 5 of the units with verbal commitments, and our first building that we should be writing up a 3-5 year lease for, in the next couple of weeks.

Next, in a recent research on Midway rentals on AirDNA, I found that the nightly rental units that we will offer above the retail space, average a 64% occupancy rating, We expect to reserve around 15 units for this purpose.

### **Our Vision:**

We have attached a dropbox link to some visuals for you to understand the look and feel we are going for with this project. We feel it will be an amazing contribution to Midway's charm and attraction. We plan to rally around the original purpose of this land, which was farming, add a touch of Swiss-European charm, and finish it off with neat nooks and quaint places to gather including water features, picnic benches, fire pits and the like.

<https://www.dropbox.com/sh/cmr5iyc6purze01/AABOEJQm9ku3Qw-AHwdyThtda?dl=0>

### **Our Message to Midway:**

A place to gather, shop, meet, dine, learn and celebrate is coming to the heart of Midway! This property has been in the Springer Family since the late 1800s. That legacy continues with the creation of "Springer Farms". Unique shops and eateries with a small town feel and old European architecture will create the atmosphere of this new community gathering space. We're excited to preserve the charm of Midway as we create a space for this close knit, supportive community to gather with friends and family for a quick lunch and life's biggest celebrations.

The first of many shops available is a "fast casual" breakfast and lunch eatery to be the cornerstone business in our replica 1899 Springer farmhouse, expected to be completed in early spring. We have a dream of filling the hearts and bellies of Midway's finest!





