



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: December 13, 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: 2

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 containing 20 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 to subdivide the property and create a commercial condominium planned unit development. 20 units would be created which include eight commercial units on the lower floors (including the restaurant currently under construction) and 11 short-term

rental units on the upper floors (including the full dwelling unit above the restaurant that is currently under construction which could be a short-term or a long-term rental). 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 utilities will cross the smaller parcel)

- Will be recorded as one plat
- C-3 zone
- Four buildings
- 20 units
 - 8 lower floor commercial units (including two possible restaurants)
 - 10 upper floor short-term rentals (will not include kitchens, wet bars, or individual laundry facilities)
 - One administrative office
 - 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.

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 December 14, 2022. Specific review of each building will be required through the building permit approval process.

Parking – The developer is providing 50 stalls in the proposed site plan. Based on the information provided, 50 stalls are required for the proposal (10 short-term rental, 8.32 for the west building lower floor, 14.12 for the south building lower floor, and 7.44 for the restaurant, 9 for the north building, and 2 for the dwelling unit).

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 10 short-term rental units (possibly 11 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 has been 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. Fencing has been proposed along the southside of the parking lot and along the east side of the parking lot. The fencing will help shield vehicle lights from shining on the surrounding homes located in the commercial zone.

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 on December 14, 2022.

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 and by providing more commercial options to the community.
- 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-3 zone.
- Mixed-use developments are a conditional use in the C-3 zone.
- The proposed parking plan does comply with code requirements.

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 reviewed a recommendation by the VAC and Water Board before the item is reviewed by the City Council.