

Midway City Council
23 April 2019
Regular Meeting

425 North Homestead Drive /
Conditional Use Permit



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: April 23, 2019

NAME OF PROJECT: Transient Rental Unit Conditional Use Permit

NAME OF APPLICANT: Michael Murphy

AGENDA ITEM: Conditional Use Permit

LOCATION OF ITEM: 425 Homestead Drive

ZONING DESIGNATION: R-1-22 within the Transient Rental Overlay District

ITEM: 6

Michael Murphy is requesting a Conditional Use Permits for transient rental unit on his property located at 425 Homestead Drive. This proposal is in the Transient Rental Overlay District and is in the R-1-22 zone.

BACKGROUND:

Michael Murphy, agent for Big M Investment Company LLC, is requesting a conditional use permit for a transient rental unit. The property is located at 425 Homestead Drive and is located in the R-1-22 zones, within the Transient Rental Overlay District (TROD), but outside the Resort Zone. Therefore, a Conditional Use Permit is required prior to applying for a Transient Rental Unit License. The parcel is not located in a subdivision so there are no special provisions, such as CCRs, that regulate use or activity on the property. If approved, the applicant will need to provide all required information to the City to assure compliance with the City's transient rental unit ordinance.

The property is relatively large at 6.35 acres. There is one four-bedroom dwelling on the property and most of the property is in agricultural production. The home has been licensed by the City for transient rentals for about 10 years through 1990s. The owner stopped renting the dwelling several years ago and now would like to begin renting again.

The applicant plans to comply with all the requirements as listed in the code which includes that they contract with a City licensed property management company, provide off-street parking, obey occupancy limits, among other requirements. A conditional use permit is required to inform the neighbors of the proposed use. Letters will be sent out to all property owners within 600' of the parcel that will invite them to comment to the City and to invite them to the public hearing that will be held at a future date before the City Council.

There are several benefits the City receives from transient rental units. One benefit to the City is all owners of transient rental units pay a transient rental tax. This money is a benefit to the City and to residents of the City. Another benefit is the resort tax the City collects. Few cities in Utah qualify to be able to gather this tax because the requirement is the ratio of nightly rental rooms and units compared to the permanent population of the community. If the percentage of rental units compared to the permanent population is high enough then the City can continue to collect the resort tax which equaled about \$600,000 last year. The City is actively trying to comply with State requirements to continue to collect the resort tax and every unit that is rented helps the City to continue to collect the tax.

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

ANALYSIS:

The comments in italicized represent 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 City Council 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 of the applicable provisions of this Code; *planning staff believes that the proposal will not have a significant impact on the neighborhood, the nearest dwelling is about 300' from the proposed rental unit and is on the far side of Homestead Drive in The Links PUD. Also, staff has analyzed the proposal and it appears that it will comply with the provisions of the Code.*
2. The proposed use is consistent with the General Plan; *no issues have been identified.*

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; *the applicant is required to apply and receive approval of a transient Rental License before they will be allowed to rent the unit. This license requires them to register with the State for tax purposes, have their unit inspected by the building inspector, fire marshal, and health inspector, and contract with a City licensed property manager.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *no issues 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 use and associated traffic is consistent with the adjacent units and the neighborhood.*
6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the proposal is suitable based on the proposed use.*
7. There are adequate provisions for public access, including internal and surrounding traffic flow, water, sanitation, and public utilities, and services to insure that the proposed use would not be detrimental to public health and safety; *no detrimental impacts have been identified.*

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner O'Toole: I make a motion to recommend to City Council that we approval a Conditional Use Permit for Michael Murphy for the Transient Rental unit that is located on his property at located at 425 Homestead Drive. Their proposal is in the Transient Rental Overlay District and is in the R-1-22 zone. We accept staff's findings and analysis. Also, with the condition that the agricultural land is maintained as it has been in the past for safety issues.

Seconded: Commissioner Nicholas

Chairman Kohler: Any discussion on the motion?

Commissioner

Chairman Kohler: All in favor.

Ayes: Commissioners: Payne, Nicholas, O'Toole, McKeon, Whitney and Streeter

Nays: None

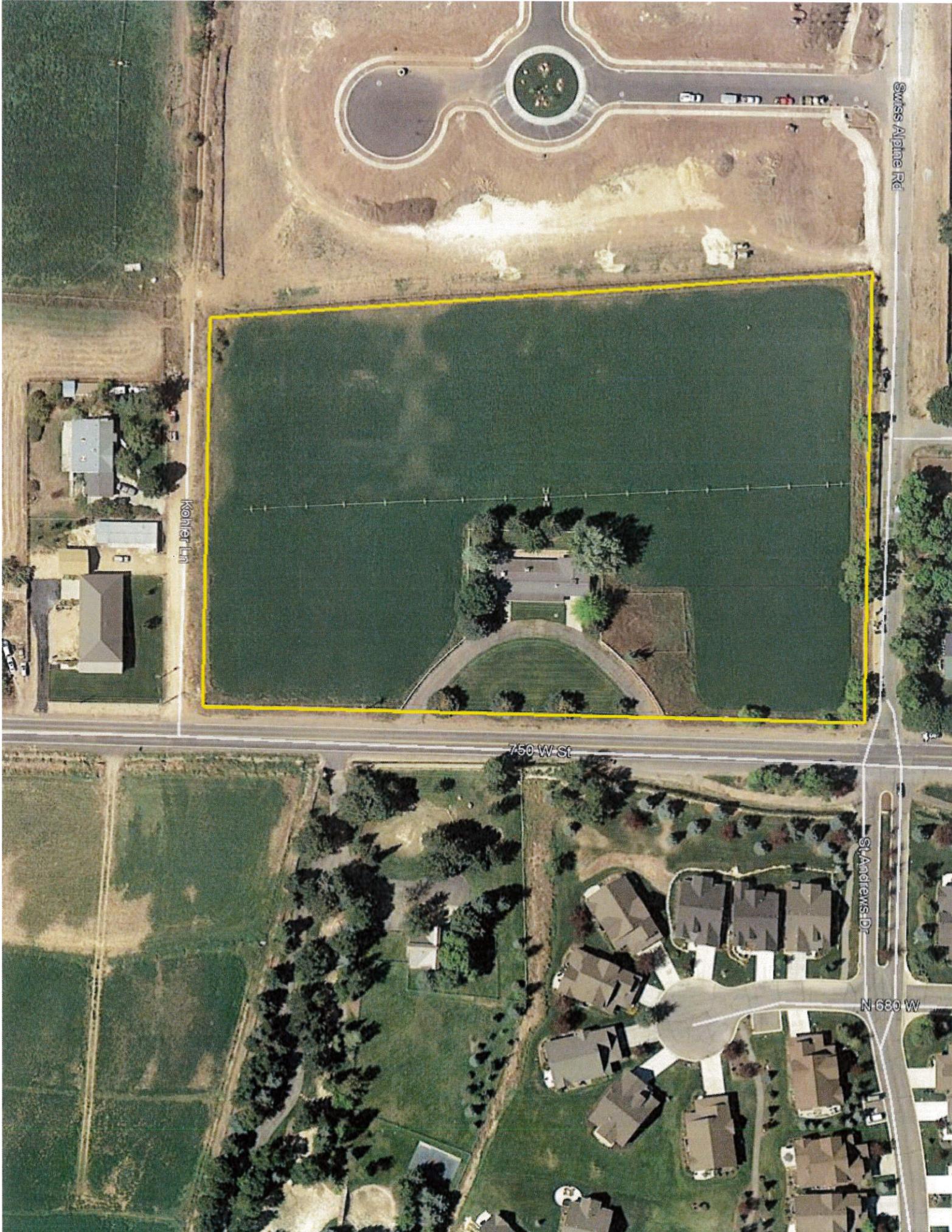
Motion: Passed

POSSIBLE FINDINGS:

- The proposed use is a conditional use in the R-1-22 zone and is in the Transient Rental Overlay Zone.
- The proposal does meet the vision for residential development the R-1-22 zone within the TROD in the General Plan.
- Every licensed rental unit helps the City to comply with State requirements that allows the City to collect the resort tax

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council finds 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 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 does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial



Swiss Alpine Rd

Kohler Ln

750 W St

St Andrews Dr

N 680 W