

Midway City Council
3 March 2020
Regular Meeting

Jory Mixed-Use Development /
Conditional Use Permit



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: March 3, 2020

NAME OF PROJECT: Proven Moto Mixed Use Project

NAME OF APPLICANT: Matthew and Chelsea Jory

AGENDA ITEM: Conditional Use Permit

LOCATION OF ITEM: 17 South 580 East Main Street

ZONING DESIGNATION: C-2

ITEM: 7

Matthew and Chelsea Jory are requesting a Conditional Use Permit for a mixed-use development that will include a business and a residence. The property is located at 17 South and 580 East and is in the C-2 zone.

BACKGROUND:

This request for a Conditional Use Permit (CUP) by Matthew and Chelsea Jory is for a mixed-use project that will include a commercial business, in a yet to be constructed building, and a residence in the existing dwelling. The property located at 17 South and 580 East, which is a corner lot that does front Main Street. The dwelling is a new structure that was constructed last year. The C-2 zone allows for mixed-use projects as a conditional use which, in turn, allows one residential unit for properties less than one-acre in size. The lot on which the project is proposed is zoned C-2 and is 0.32 acres in size and is lot 1 in the Midway Lane subdivision which was recorded on September 6, 1977.

The proposed building is 40' x 30' (1,200 sq. ft.) and will be located 10' south of UDOT's right-of-way for Main Street. The building will also be located 10' from the east boundary line of the property which also complies for the setbacks for a commercial building in the C-2 zone. Four stalls are required based on the square footage of the building (one stall for every 300 square feet). Three stalls are being provided to the west of the building and a fourth will be in the third car garage and will be used by the owners as employee parking. The residence requires two stalls which are in the two-car garage.

The applicant has submitted a site plan that staff has reviewed. Staff has reviewed setbacks, access, parking, among other items. Mixed use projects have specific requirements which include the following:

- The commercial business must have a door facing Main Street which the applicant is providing.
- Mixed-use projects require that 20% of the gross floor area of all structures is deed restricted as commercial. The square footage of the dwelling is 3,598 and the proposed commercial structure will be 1,200 square feet which combine equals 4,798 square feet. The minimum required area that must be deed restricted is 960 square feet.
- Parking must be located to the rear or side of the main structure. The applicant has proposed parking to the side of the proposed commercial structure. Staff has worked with the applicant to try to remove as much hard surface as possible from the parking area that will allow more landscaping and improve the view of the property from Main Street.

The applicant has also presented architectural and landscaping plans to the Visual and Architectural Committee (VAC). The structure will be very visible to all traffic on Main Street, so careful effort is being made to create a structure that matches the City's theme and architectural requirements of the code. The VAC has made a recommendation of approval, which is the following:

VAC RECOMMENDATION:

Member Elizabeth Crittenden: I move that we recommend approval of the proposal for Proven Moto located at 17 S 580 E in the C2 zone due to the following:

- *The business is of a small size and was reduced to 1,200 square feet.*
- *The business is adjacent to the home and appears more like an accessory building.*
- *The business is visually consistent with the existing single-family dwelling architecture and design.*

- *The home has a metal roof and having the metal roof on the business is consistent.*
- *We acknowledge that a change in the roof would also be a hardship for the applicants due to the builders do not have a different roof alternative and doing so would require the applicants to sub out a roof separate from the one included in the cost of their building.*

The applicant states the following on the application for the reason for the conditional use permit:

My husband and I own Proven Moto which currently operates out of Charleston/Heber City. We are purchasing the home at 17 S. 580 E. for its commercial zoning so that we can build a workshop and run our business. We have been in business seven years, lived in Heber for five years and have been waiting for an opportunity like this to arise in Midway. We love Midway and are excited to become Midway!

The application also states on the application how the proposal will implement Midways community vision as states in the General Plan:

Proven Moto is a boutique motorcycle workshop. The outside of our shop will always be kept clean and well-manicured. The inside, the same. Our services are unlike any other shops in this valley and while we already have a large Midway clientele, I know we will become a local favorite to all motorcycle enthusiasts in the area. We also have many clients from other areas of Utah as well as out of state. That will be introduced to Midway's charm at our new location. Our shop exterior will represent Swiss/European theme through heavy wood, shutters, flower boxes, metal outside fixtures, roof overhangs, ornamental features, Swiss flags and more. Proven Moto is a very respected business and will add value to Midway's business line up and Main Street. We are very excited to be a huge part of the Midway culture.

This item has been noticed in the local newspaper for two weeks and in the State's website for the City Council meeting. Mailed notice was sent out to all property owners within 600' before the public hearing by 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 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 C-2 zone and mixed-use projects as listed on the Municipal Code.*

2. The proposed use is consistent with the General Plan; *the proposed uses do comply with the vision of Main Street described in the General Plan. The General Plan promotes an active and vibrant Main Street and this proposal does promote that vision by containing both commercial and residential.*
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 business that will be located in the development are required to have an approved business license with the City. The business will need to apply for a license, and it will be issued once all the requirements are met such as the issuance of the Conditional Use Permit among other requirements.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *none 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; *Staff has discussed issues such as noise with the applicant. According to the applicant, their business is usually very quiet, but they do plan on insulating the walls to help mitigate any noise. Also, according to the applicant, traffic volume is very low and the required four stalls are more than enough for their business.*
6. The subject site is physically suitable for the type and density/intensity of the proposed use; *it appears that the location is suitable for this type of use.*
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; *utilities are already in place to service the proposed uses.*

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Streeter: I make a motion that we approve a Conditional Use Permit for a mixed-use development that will include a business and a residence. The property is located at 17 South and 580 East and is in the C-2 zone. That we include the VAC recommendation and staff report and findings with no other conditions.

Seconded: Commissioner Nicholas

Chairman Kohler: Any discussion the motion?

There was none

Chairman Kohler: All in favor.

Ayes: Commissioners: Streeter, Ream, Nicholas, McKeon, Bouwhuis

Nays: None

Motion: Passed

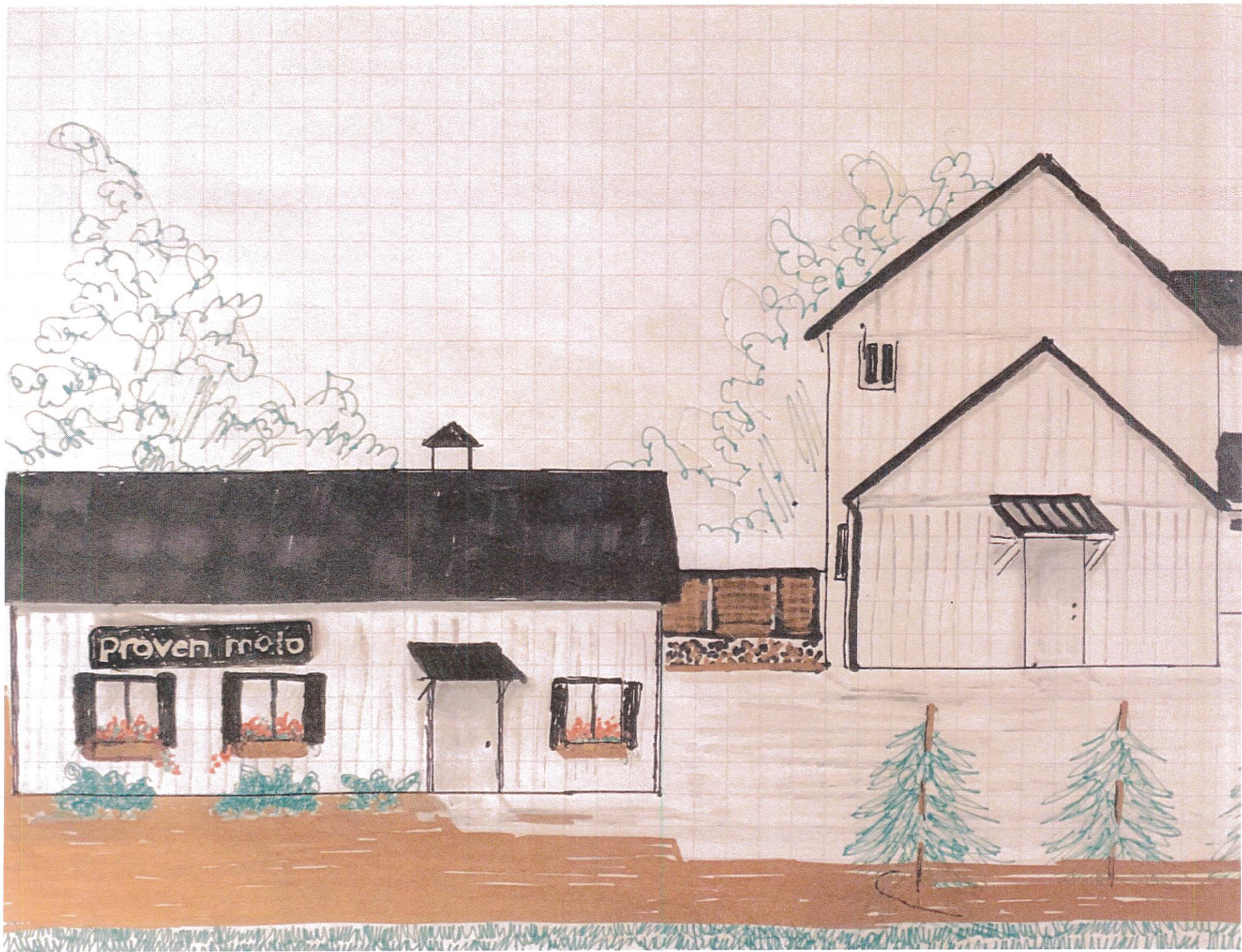
POSSIBLE FINDINGS:

- 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.

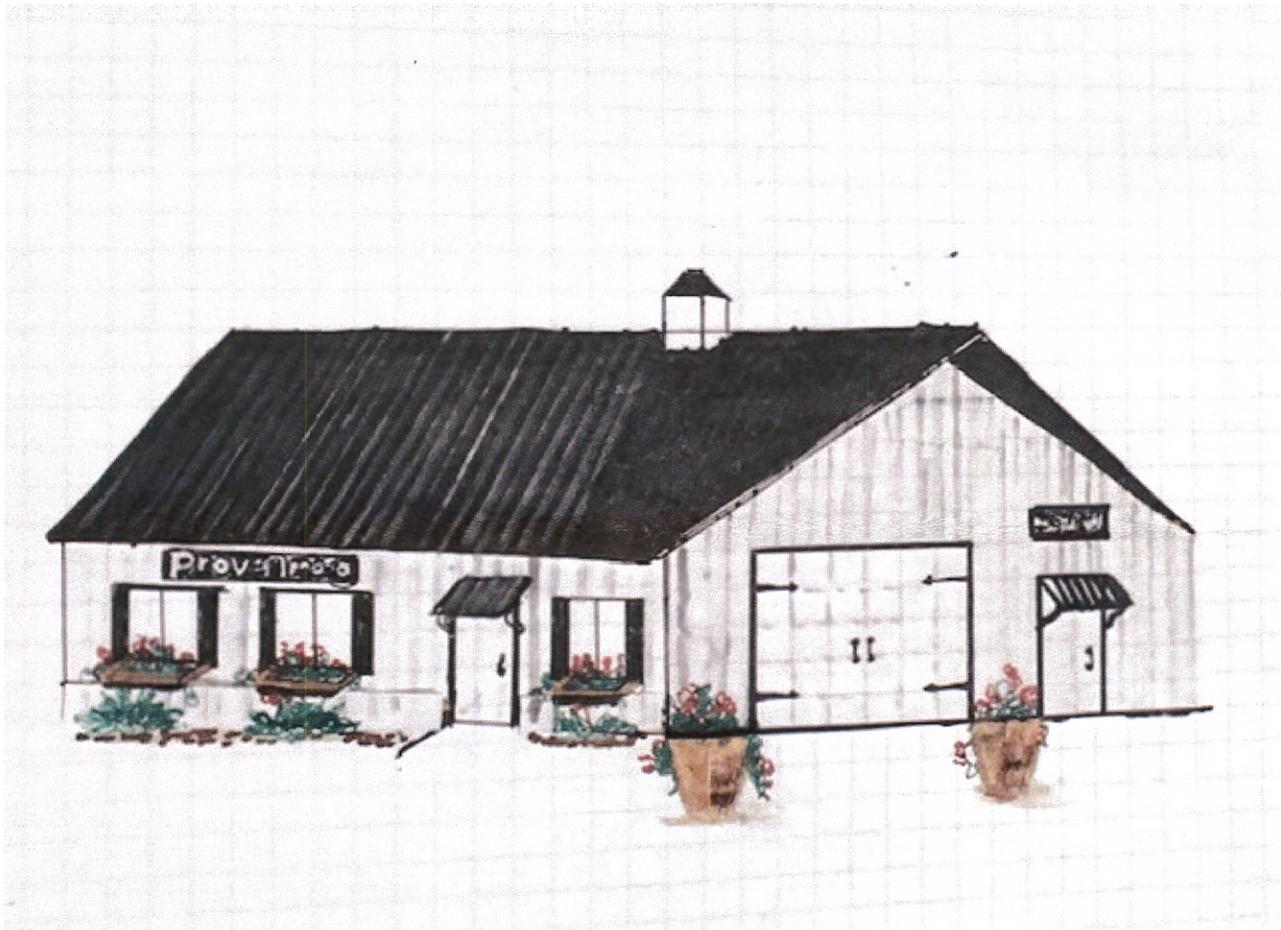
ALTERNATIVE ACTIONS:

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. Recommendation of 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









17 SOUTH 580 EAST

MAIN STREET

