

Kent Kohler is requesting a Conditional Use Permit for a mixed-use development that will include a business and a residence. The property is located at 37 West Main Street and is in the C-2 zone.



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: April 19, 2017

NAME OF PROJECT: Kent Kohler Mixed Use Project

NAME OF APPLICANT: Kent Kohler

AGENDA ITEM: Conditional Use Permit

LOCATION OF ITEM: 37 West Main Street

ZONING DESIGNATION: C-2

ITEM: 5

Kent Kohler is requesting a Conditional Use Permit for a mixed-use development that will include a business and a residence. The property is located at 37 West Main Street and is in the C-2 zone.

BACKGROUND:

This request for a Conditional Use Permit (CUP) by Kent Kohler is for a mixed-use project that will include a commercial area on the main floor of an existing structure and a residential unit on the lower floor of the same structure. 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 was originally a residence but was converted to commercial space years ago. The parcel on which the project is proposed is zoned C-2 and is 0.16 acres in size.

There are eight on-site parking stalls assigned to the property. For most uses, the code requires a stall for every 250-sq. ft. of public accessible. Also, one space is required for every residential unit of a mixed-use project. If the entire area of the upper floor is calculated for parking and a stall is added for the residential unit then a total of six stalls are required, which is two less than is provided by the applicant.

This item has been noticed in the local newspaper for two weeks and in 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 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 retail/office 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 businesses that will be located in the development are required to have approved business licenses with the City. The businesses will need to apply for licenses and they 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; *none have been identified.*

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 insure that the proposed use would not be detrimental to public health and safety; *utilities are already in place to service the proposed uses.*

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. 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



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Imagery Date: 7/8/2016 40°30'42.74" N 111°28'23.58" W elev 5591

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