

Midway City Council  
8 August 2018  
Regular Meeting

Olde Swiss Square /  
Conditional Use Permit



## **CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** August 8, 2018

**NAME OF PROJECT:** Olde Swiss Square Mixed Use Project

**NAME OF APPLICANT:** Berg Engineering

**AGENDA ITEM:** Conditional Use Permit

**LOCATION OF ITEM:** 210 East Main Street

**ZONING DESIGNATION:** C-2

### **ITEM: 9**

Berg Engineering, agent for William Fairbanks, is requesting a Conditional Use Permit for a mixed-use development of the Swiss Square Development. The proposal will contain four residential units that will be sold individually and be maintained by Swiss Square Owners Association. The property is located at 210 East Main Street and is in the C-2 zone.

### **BACKGROUND:**

Berg Engineering has applied for a Conditional Use Permit (CUP) for a mixed-use development that would contain four dwelling units in addition to the existing commercial building that was constructed in the late 1990s. The four residences would be added to Olde Swiss Square located at 200 East Main. The entire property would be recorded as a condominium plat which would allow for the dwellings and the commercial space to be sold individually. The developer has not proposed a condominium plat of the commercial spaces, so those spaces could not be sold individually but the entire commercial building could be sold individually. The four dwellings and the commercial building would make up the Property Owners Association (POA) which would own all common areas and would be required to maintain those common areas which would include the landscaping and parking areas.

The existing building contains a medical clinic, dentist's office, professional offices, assembly room, and the basement is an unfinished convertible space. The four dwellings would be constructed on the southeast corner of the property that has been left undeveloped and unused since the construction of the commercial building.

The City's Land Use Code does allow mixed use projects in the C-2 and C-3 zones as a CUP if requirements are met. One requirement is the commercial square footage of the project must be at least 20% of the square footage of the entire project. The applicant has met this requirement because the existing commercial square feet is 18,983 (51%) and the square feet of the residential is 17,632 (49%).

There are 79 on-site parking stalls on the existing site plan which exceeds the required number of stalls by nine. Because it is still unknown the exact uses and layout of uses in the unfinished area of the commercial building it is impossible to calculate the number of stalls required by the code. For most uses, the code requires a stall for every 250-sq. ft. of public accessible space and two stalls for each of the four residential units. Based on the 69 stalls on the plan for the commercial building and the eight stalls that will included in the double car garages of the four dwellings, the applicant will comply with the off-street parking requirement.

The proposal will require water to tendered to the City for the four new culinary connections and the outside irrigation for the proposed landscaped area around those units. Each culinary connection requires 0.8-acre feet and the area of the landscaped area requires 3-acre feet per acre. The Water Board will review the numbers and will make a recommendation to the City Council regarding the water requirement.

If the Conditional Use Permit is approved, the applicant must submit a Planned Unit Development application to subdivide the property. CCRs must be submitted as part of the application that will govern maintenance of common areas and other POA issues.

Midway has adopted commercial architectural guidelines and the applicant must demonstrate to the Visual and Architectural Committee that the proposed structures comply with those guidelines.

Currently there are two parcels that are included in the site plan. The code requires a minimum of one acre for a mixed-use development with more than one dwelling. Since neither of the two parcels are larger than an acre, the two must be combined to comply with the requirements of the code. Staff recommends that this process take place before the City Council approves the proposal or it is required as a condition.

#### **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 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 in 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 with the commercial area and possibly a restaurant with an outside eating area.*
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; *the proposal will be engineered for drainage and all increased runoff will be captured and stored in sumps or detention ponds that will be installed on site.*
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 uses will create more traffic for the area and that is expected in the commercial zone. Traffic will increase to the property and on the surrounding roads. The new dwellings will be located within walking distance of retail, parks, eating establishments*
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 development.*

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; *no issues have been identified.*

**PLANNING COMMISSION RECOMMENDATION:**

**Motion:** Commissioner Payne: I move to approve item number 4, the Conditional Use Permit for Mixed Use Development of Olde Swiss Square Development, the proposal will contain four residential units that will be sold individually, and the units will be maintained by the Olde Swiss Square Homeowners Association. The property is located at 210 East Main Street and is in the C-2 zone. We accept staff's reports and possible findings. With the condition that is in the engineer's report that the storm water be contained.

**Seconded:** Commissioner Streeter

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners Streeter, Waldrip, Ream, Nicholas, Bouwhuis, Payne, O'Toole

**Nays:** None

**Motion:** Passed

**WATER BOARD RECOMMENDATION:**

The Water Board will review this item during their August 6<sup>th</sup> meeting. A report of their recommendation will be given to the City Council during the City Council meeting.

**POSSIBLE FINDINGS:**

- The proposed use is a conditional use in the C-2 zone.
- The proposal will increase traffic to the area.
- The VAC has not reviewed the proposal
- The two parcels must be combined into one parcel
- If the CUP is approved the developer will need to submit a subdivision application

**ALTERNATIVE ACTIONS:**

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

**PROPOSED CONDITIONS:**

1. The two parcels must be combined to comply with the acreage requirements of the code for mixed use projects with multiple residential units.
  
2. The applicant must demonstrate to the Visual and Architectural Committee that the proposed structures comply with the architectural and landscaping requirements as described in the code.

July 18, 2018

Midway City  
Attn: Michael Henke  
75 North 100 West  
Midway, Utah 84049

**Subject: Swiss Square Conditional Use Review**

Dear Michael:

Horrocks Engineers recently reviewed the Swiss Square mixed-use development for the Conditional Use. The following issues should be addressed.

General Comments

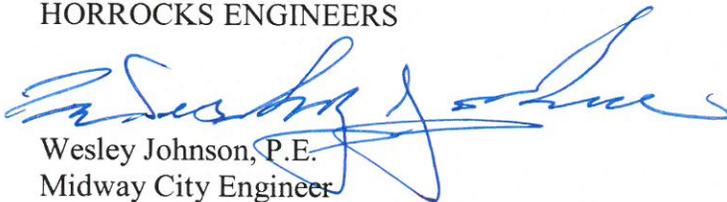
- The plan proposes two twin homes consisting of four new units to be constructed within the existing Swiss Square commercial property.
- The location and size of all laterals shall be shown on the approved plans. Any proposed irrigation services shall be metered.

Storm Drain

- A significant portion of the existing parking lot drains to the south side of unit 4. It appears as though there is an existing retention basin on the south side of lot 4. The approved plan shall address how the storm water from the existing parking lot is to be addressed.

Please feel free to call our office with any questions.

Sincerely,  
HORROCKS ENGINEERS



Wesley Johnson, P.E.  
Midway City Engineer

cc: Paul Berg Berg Engineering

200 East Street

Main Street

SWISS SQUARE

EXISTING COMMERCIAL BUILDING

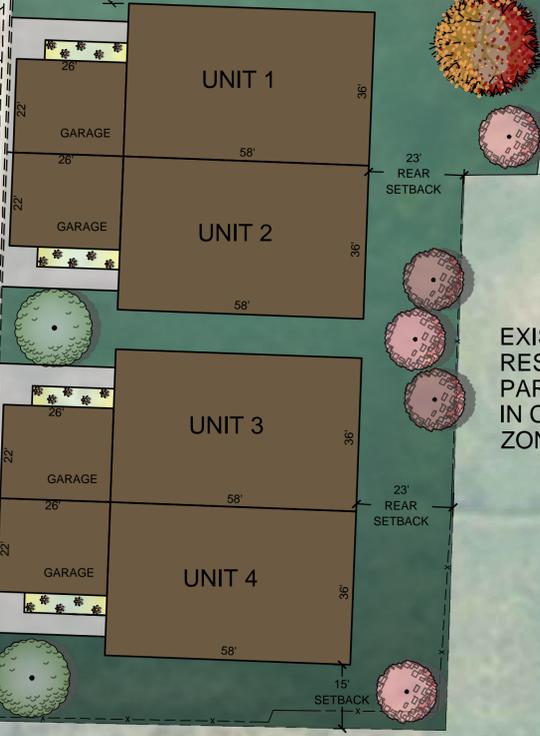
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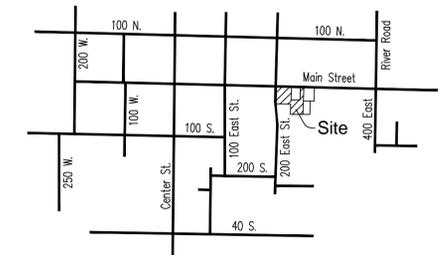
PEIRCE

OWENS

ALDER MEADOWS SUBDIVISION  
R-1-11 ZONE



EXISTING  
RESIDENTIAL  
PARCEL  
IN C-2  
ZONE



Vicinity Map

**LAND USE TABLE**

TOTAL AREA	1.78 ACRES
EXISTING PARKING	79 SPACES
PROPOSED PARKING LOT	69 SPACES
PROPOSED PARKING FOR UNITS	8 SPACES
TOTAL PROPOSED PARKING	77 SPACES
ZONE	C-2

**ZONING NOTES**

- 10' SETBACK REQUIRED ON EAST PROPERTY LINE (EXISTING RESIDENTIAL IN COMMERCIAL ZONE PER 16.5.3.B.7)
- 15' SETBACK REQUIRED ON SOUTH PROPERTY LINE (NEXT TO RESIDENTIAL ZONE PER 16.5.3.B.5)
- 0' SETBACK REQUIRED ON NORTH PROPERTY LINE (NEXT TO OTHER COMMERCIAL PER 16.5.3.B.2)

**PROJECT NOTES**

- THIS PROJECT IS A MIXED USE DEVELOPMENT IN THE C-2 ZONE
- UNITS WILL BE SOLD INDIVIDUALLY SIMILAR TO A UNIT IN A PLANNED UNIT DEVELOPMENT
- LANDSCAPING WILL BE MAINTAINED BY THE SWISS SQUARE OWNERS ASSOCIATION
- EXISTING PARKING SPACES IN FRONT OF THE GARAGES WILL BE REMOVED TO ALLOW FOR THE PARKING LOT TO BE USED AS A DRIVEWAY

**CONDITIONAL USE PERMIT**

- MIXED USE DEVELOPMENTS ARE A CONDITIONAL USE IN THE C-2 ZONE PER SECTION 16.5.2
- MIXED USED STANDARDS FOR LOTS LARGER THAN 1 ACRE PER 16.5.3.1.2

STANDARD	REQUIRED	PROPOSED
FRONTAGE	200'	381'
DENSITY	20 UNITS/ACRE	2.25 UNITS/ACRE
COMMERCIAL AREA	20%	42%



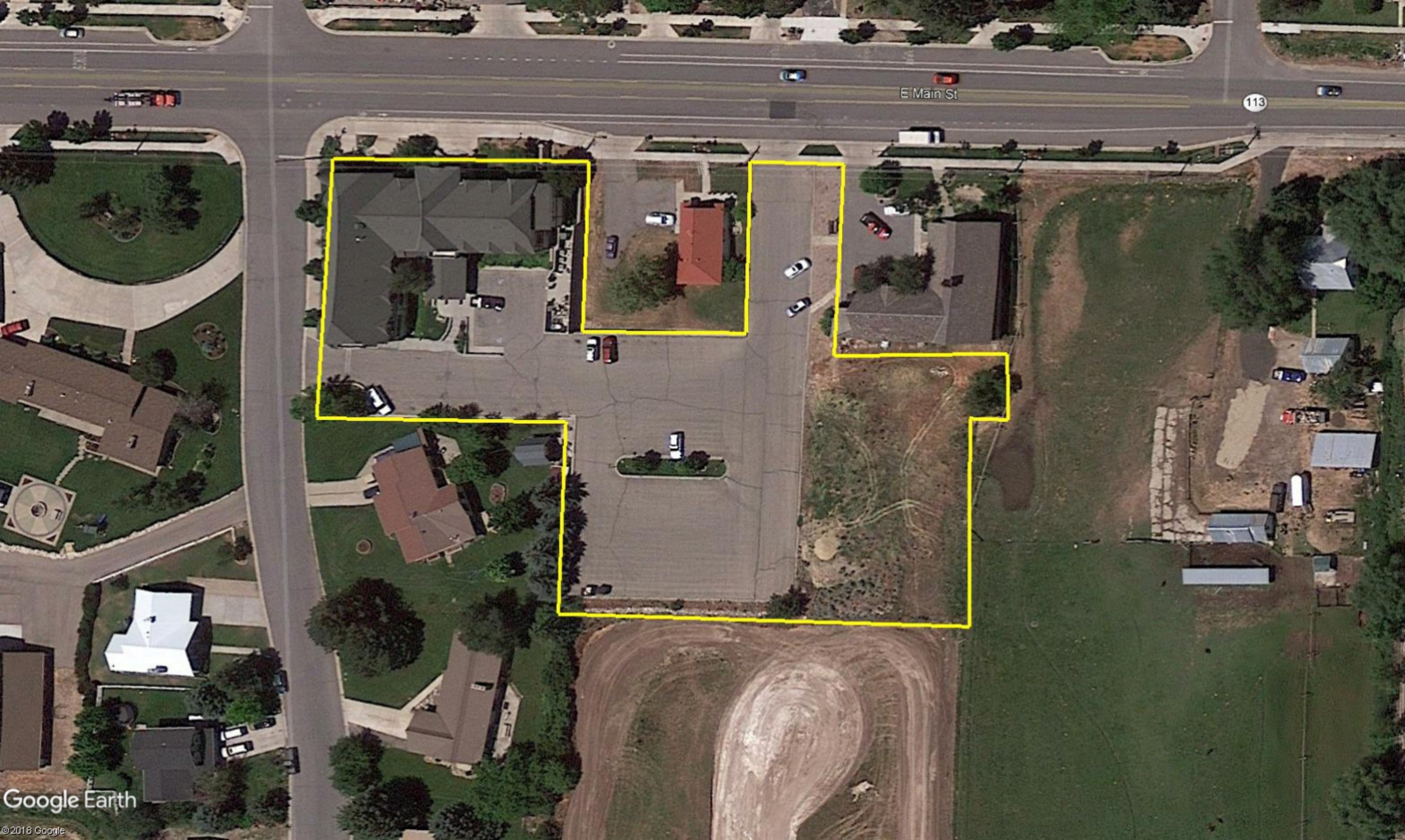
Scale 1" = 20'  
Scale 1" = 40' for 11x17

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PAUL D. BERG P.E.  
SERIAL NO. 295595  
DATE: 12 JUNE 2018

BILL FAIRBANK  
SWISS SQUARE  
MIXED USE  
CONCEPT PLAN

**BERG ENGINEERING**  
380 E Main St. Suite 204  
Midway, UT 84049  
ph 435.657.9749

DESIGN BY: CEL DATE: 12 JUNE 2018 SHEET 1  
DRAWN BY: CEL REV:



E Main St

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