

**Midway City Council
17 January 2023
Regular Meeting**

**Springer Farms /
Preliminary Approval and
Conditional Use Permit**



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: January 17, 2023

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: 8

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 ins 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.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Simons: I make a motion that we recommend approval of 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 and is in the C-3 zone. We accept the staff findings and the one condition listed in the staff report.

Seconded: Commissioner Wardle

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Osborne, Wardle, Garland and Simons

Nays: None

Recused: Commissioner Nokes

Motion: Passed

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:

Water Board reviewed and recommended on December 5, 2022 that 7.9 acre feet must be dedicated to Midway before the plat is recorded based on the following information:

- Restaurant seats
 - $64 \text{ seats} \times 35 \text{ GPD} = 0.36 \text{ acre feet} \times 1.77 \text{ (return flow)} = 4.44 \text{ acre feet}$
- Full Dwelling = 0.8 acre feet
- 8 nightly rental units (no kitchen/wet bar/laundry) = $8 \times 0.3 = 2.4 \text{ acre-feet}$
- 3 common laundries = 1.07 acre-feet (services a total of 8 rooms at 180 GPD per laundry)
- Commercial space bathrooms (3 toilets) = 2.97 acre-feet
- Current plan outside irrigation 13,776 square feet (0.24 acres) = 0.72 acre feet
- Total = 12.4 acre feet

- 4.5 has already been dedicated to this property (1.5 acres for the historic home that was demolished and 3 acre feet for the restaurant that is under currently under construction)
- Difference $12.4 - 4.5 = \mathbf{7.9 \text{ acre feet}}$

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. Approval (conditional). This action can be taken if the City Council 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 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 comply with the requirements of the code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITION:

1. A landscaping and fencing plan must be reviewed, and a recommendation made by the VAC before the item is reviewed by the City Council.

November 8, 2022

Midway City
Attn: Michael Henke
75 North 100 West
Midway, Utah 84049
(Send via email)

Subject: Springer Farms – Preliminary Review

Dear Michael:

Horrocks Engineers recently reviewed the above mixed-use development preliminary plan. The proposed mixed-use development is located at approximately 65 North and 200 West. The entire development is ~1.85 acres. The following comments should be addressed.

General

- Prior to final approval a full set of plans for the whole development shall be provided for review.

Water

- The proposed development will be served from the Gerber Mahogany Springs zone.
- An 8-inch waterline will provide water to the development. This waterline will connect to the existing waterlines in Main Street and 200 West.
- Individual culinary meters should be provided to each separate property within the mixed-use development and sizes according to land use.

Irrigation

- The existing irrigation line on the north property line services both the proposed development and the property to the north. Prior to final approval the location of the line and service to each property shall be addressed.
- A proposed 2-inch irrigation line shall loop 200 West to Main Street and within the development and required irrigation services to meet required landscaping needs shall be installed.

Road

- All interior access and circulation will be private.
- Roadway cross section shall be shown with final plans.

Trails

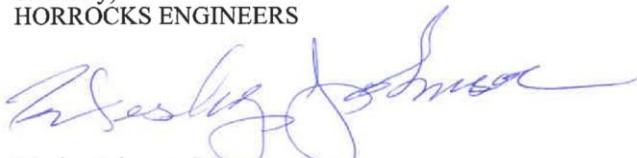
- No trails are provided in the development.

Storm Drain

- The storm drain system within this mixed-use development is private and is proposing to use catch basins and a retention basin to collect the storm water. Prior to final approval a storm drain plan and calculations shall be provided to retain all storm water onsite.
- The mixed-use development will be responsible for maintenance of the storm water system.

Please feel free to call our office with any questions.

Sincerely,
HORROCKS ENGINEERS



Wesley Johnson, P.E.
Midway City Engineer

cc: Legend Engineering (sent via email)

Midway City Corporation

Mayor: Celeste T. Johnson
City Council Members
Lisa Christen • Jeffery Drury
J.C. Simonsen • Steve Dougherty
Kevin Payne



75 North 100 West
P.O. Box 277
Midway, Utah 84049
Phone: 435-654-3223
Fax: 435-654-4120
midwaycityut.org

Springer Village Preliminary Approval

November 1, 2022

Michael Henke Midway City Planning Director,

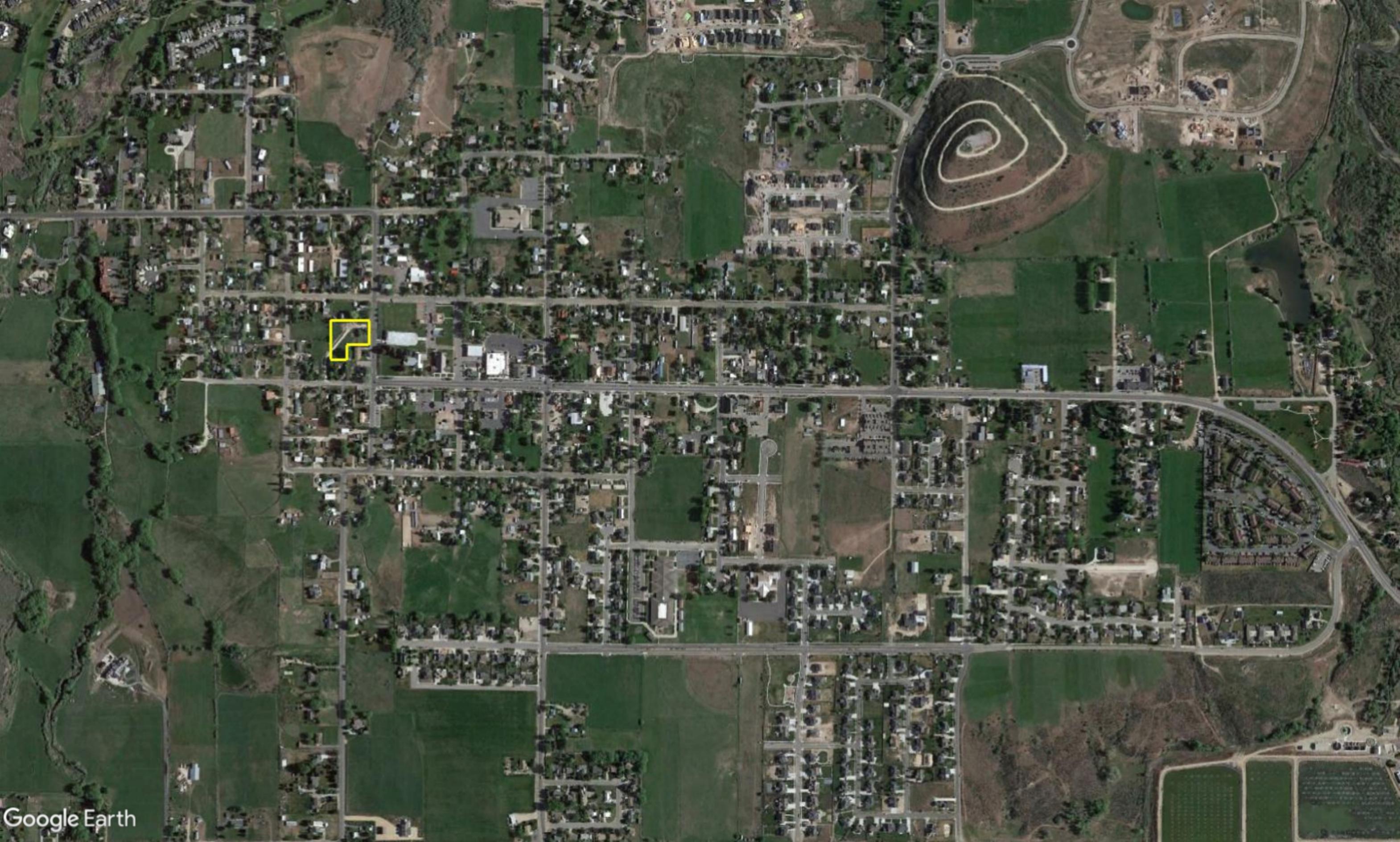
I have reviewed the preliminary plans for Springer Village for compliance with the 2018 International Fire Code (2018 IFC). The proposed plan meets the fire code requirements in the 2018 IFC including Appendix D for fire apparatus access. I have no fire code concerns with these preliminary plans that have already been approved by the Midway City Planning Commission and are now awaiting preliminary approval from the Midway City Council.

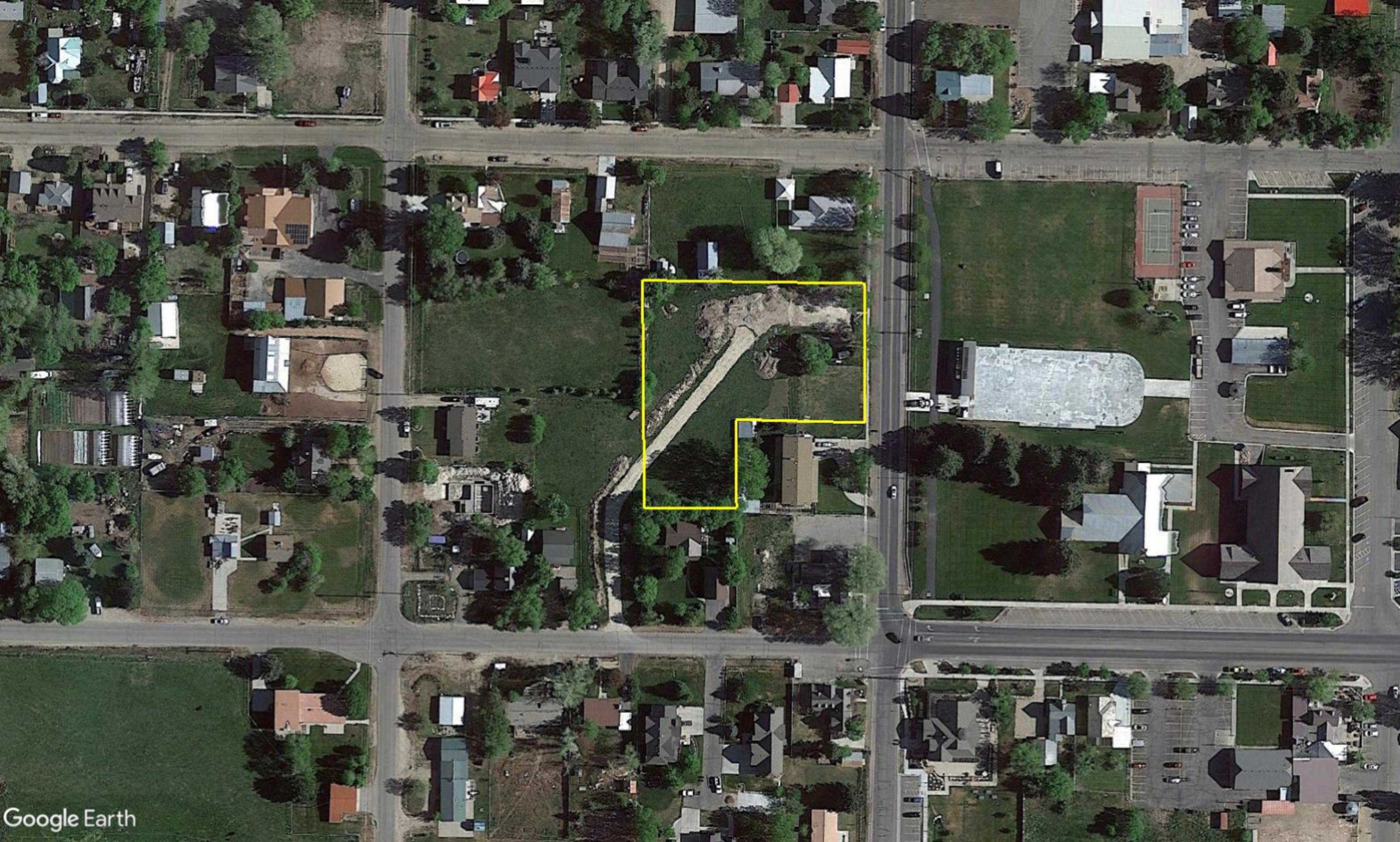
I will perform a final approval fire review of the Springer Village plans prior to final approval.

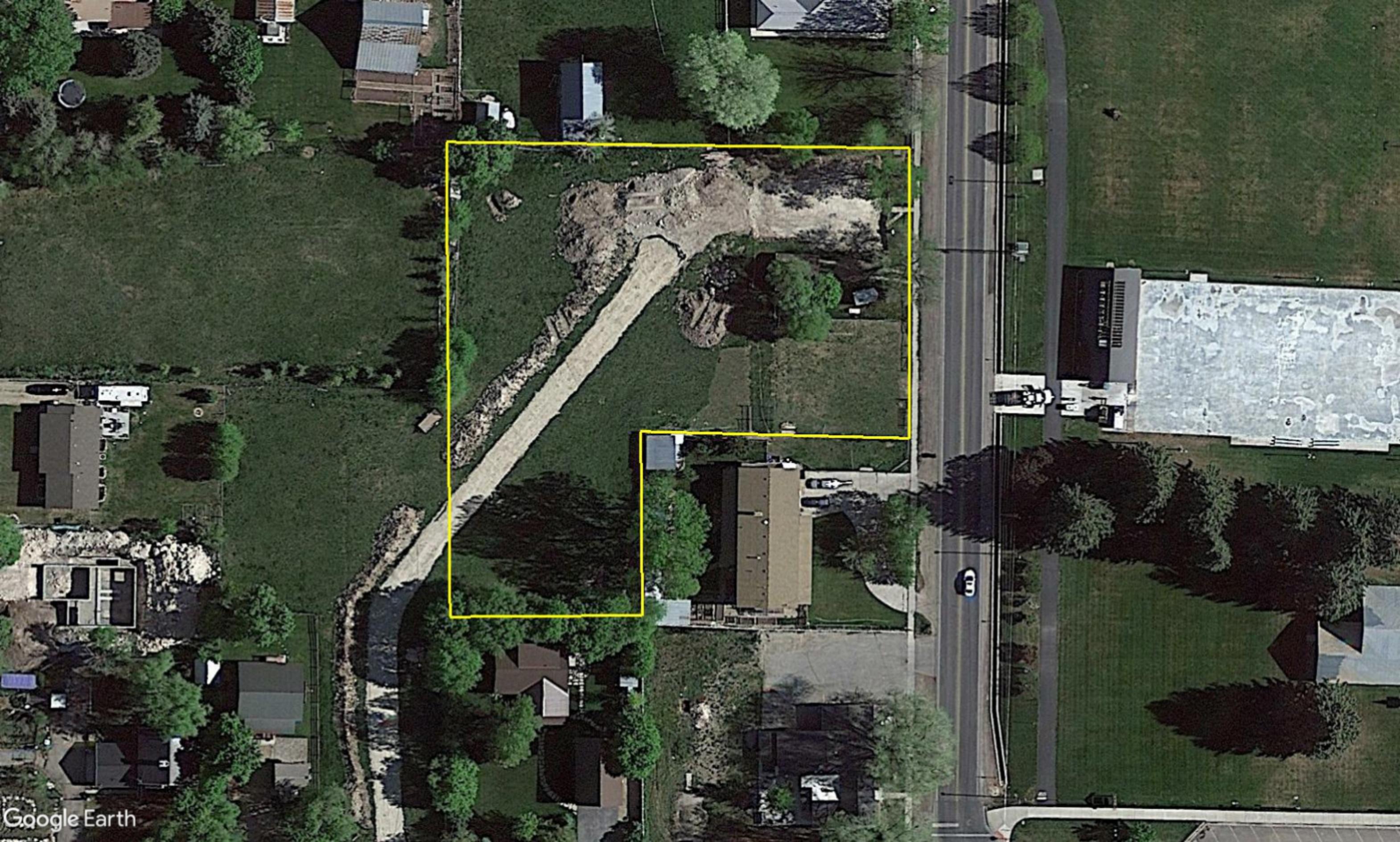


Tex R. Couch CBO/MCP
Midway City Building Official/Fire Marshal
75 West 100 North
Midway, Utah 84049
tcouch@midwaycityut.org
(435)654-3223 Ext. 107

Our vision for the City of Midway is to be a place where citizens, businesses and civic leaders are partners in building a city that is family-oriented, aesthetically pleasing, safe, walkable and visitor friendly. A community that proudly enhances its small-town Swiss character and natural environment, as well as remaining fiscally responsible.







Google Earth



Project history and overview:

This 1.26 acres has been owned by David Springer's family since 1885. The original home was built in 1899. David and I recently purchased this land and were hoping to renovate the old home and protect the legacy that went with it. But after meeting with several structural engineers, we found that it would be very difficult to make safe for future commercial use. We removed the home from the site in preparations of building a "replica" model of the home on the same spot. We were able to salvage many of the materials from the old home, that we plan to use in the construction of the new one. As you can probably imagine, this land has a lot of meaning to David and his family. The feelings run deep for the preservation and correct use of this land.

After pondering what it could be used for, we decided to design "A place to gather", for the residents, and the visitors to downtown Midway. The location of this property makes it the perfect spot for this. It literally sits across the street from Midway town square where the ever-popular "Swiss Days" takes place each year, drawing around 200,000 visitors from around the state and nation each September. Making it some of Midway's most valuable real estate.

Our project will be made up of 4 separate buildings. There will be 20 total units inside the buildings. The main floor units will be dedicated to retail and gathering space. The upper units of each building will be dedicated to nightly rentals. We plan to offer retail spaces from around 450 square feet to 2000 square feet to local and unique vendors and businesses.

Our Vision:

We feel it will be an amazing contribution to Midway's charm and attraction. We plan to rally around the original purpose of this land, which was farming, add a touch of Swiss-european charm, and finish it off with neat nooks and quaint places to gather. If possible, we would like to dedicate a portion of this land to keeping animals. This could be maintained by ourselves or the local 4H club. We also plan to have several "garden plots" or raised garden beds in the village. A place to gather, shop, meet, dine, learn and celebrate! Unique local shops and eateries with a small town feel and old European architecture will create the atmosphere of this new community gathering space. We're excited to preserve the charm of Midway as we create a space for this close knit, supportive community to gather with friends and family for a quick lunch and life's biggest celebrations.

LEGEND

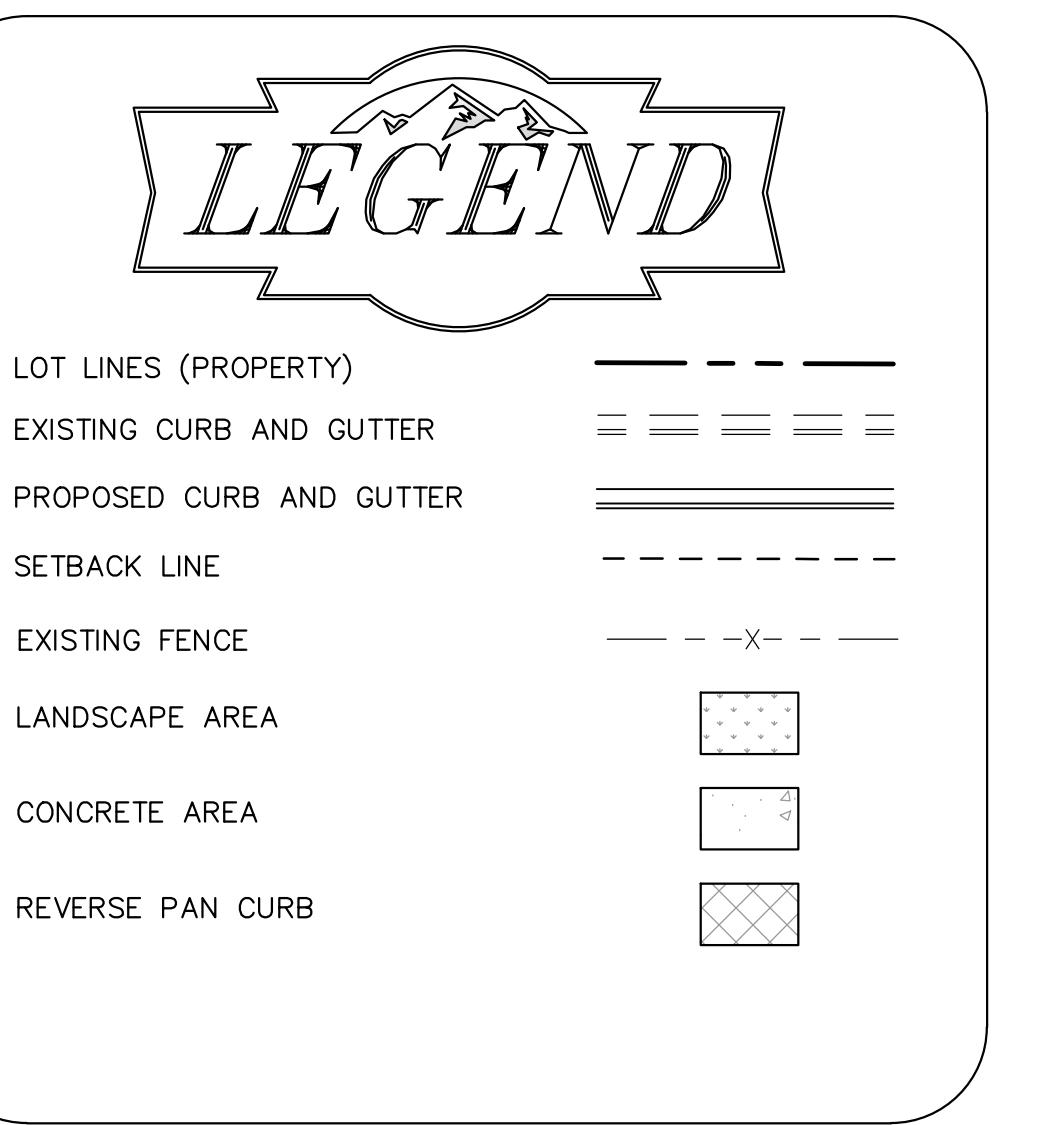
LOT LINES (PROPERTY)	— — — —
EXISTING CURB AND GUTTER	== == == ==
PROPOSED CURB AND GUTTER	=====
SETBACK LINE	- - - - X - - - -
EXISTING FENCE	- - X - -
LANDSCAPE AREA	[dotted pattern]
CONCRETE AREA	[cross-hatch pattern]
REVERSE PAN CURB	[diagonal cross-hatch pattern]

REVISIONS BY DATE
No. CJ CHECKED BY: LR
ENGINEER: C.J. DATE: 11/16/2022

LEGEND ENGINEERING
52 WEST 100 NORTH
HEBER CITY, UT 84032
PHONE: 435-654-4838
www.legendengineering.com

LEGEND
ENGINEERING

SPRINGER VILLAGE SITE PLAN
65 NORTH 200 WEST, MIDWAY, UTAH 84049



SITE DATA

DEVELOPED AREA:	54,195 SF (1.24 ACRES)
ROOF AREA:	14,402 SF ± 26.6%
PAVEMENT AREA:	25,589 SF ± 47.2%
LANDSCAPE AREA:	14,204 SF ± 26.2%

BUILDING DATA

ZONE: C-3 (COMMERCIAL ZONE)

SETBACKS:
FRONT YARD: 10' MINIMUM, 30' MAXIMUM
SIDE YARD: 0' TO COMMERCIAL
8' TO EXISTING RESIDENTIAL USES
15' TO RESIDENTIAL ZONES
REAR YARD: 0'

PARKING TABULATION

REQUIRED: 1 PER ROOM/SUITE FOR SHORT TERM RENTAL
+ 1 PER 200 SF DINING ROOM AREA FOR CAFE
+ 1 PER 250 SF RETAIL

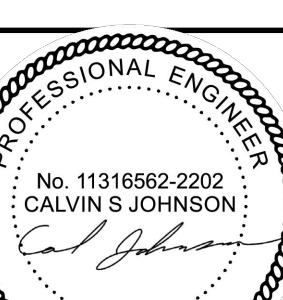
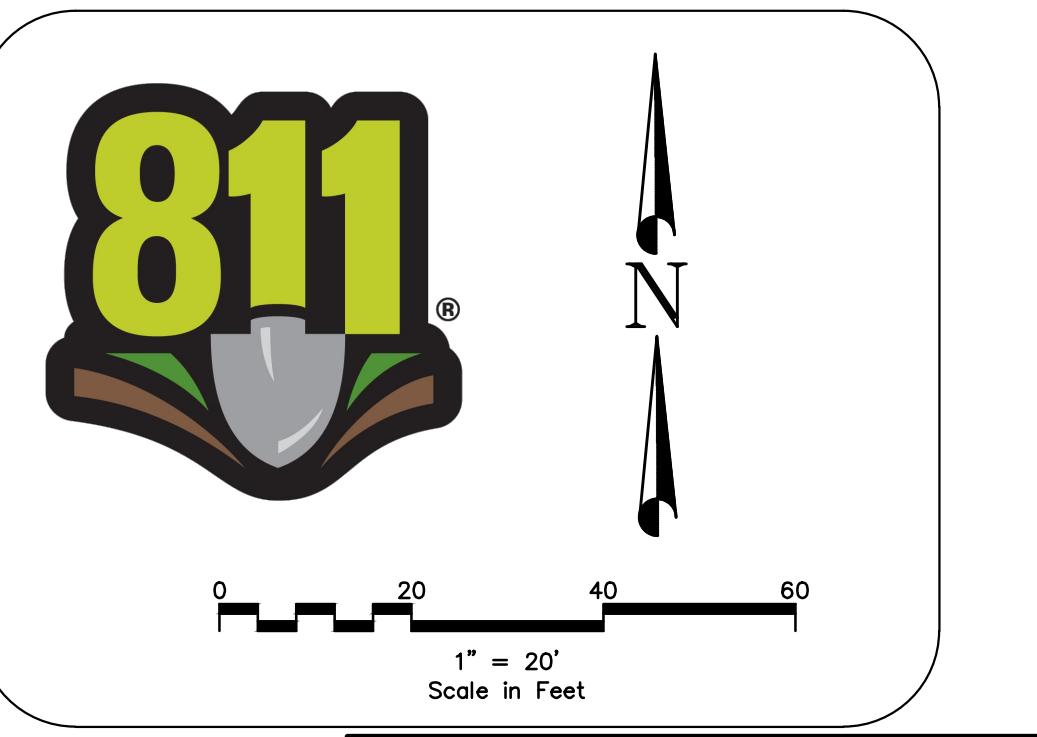
REQUIRED: 50 STALLS (13 (RENTAL) + 810/200 (DINING) + 565/250 (OUTDOOR DINING) + 7,670/250 (RETAIL))

PROVIDED: 50 STALLS (3 ADA STALLS)

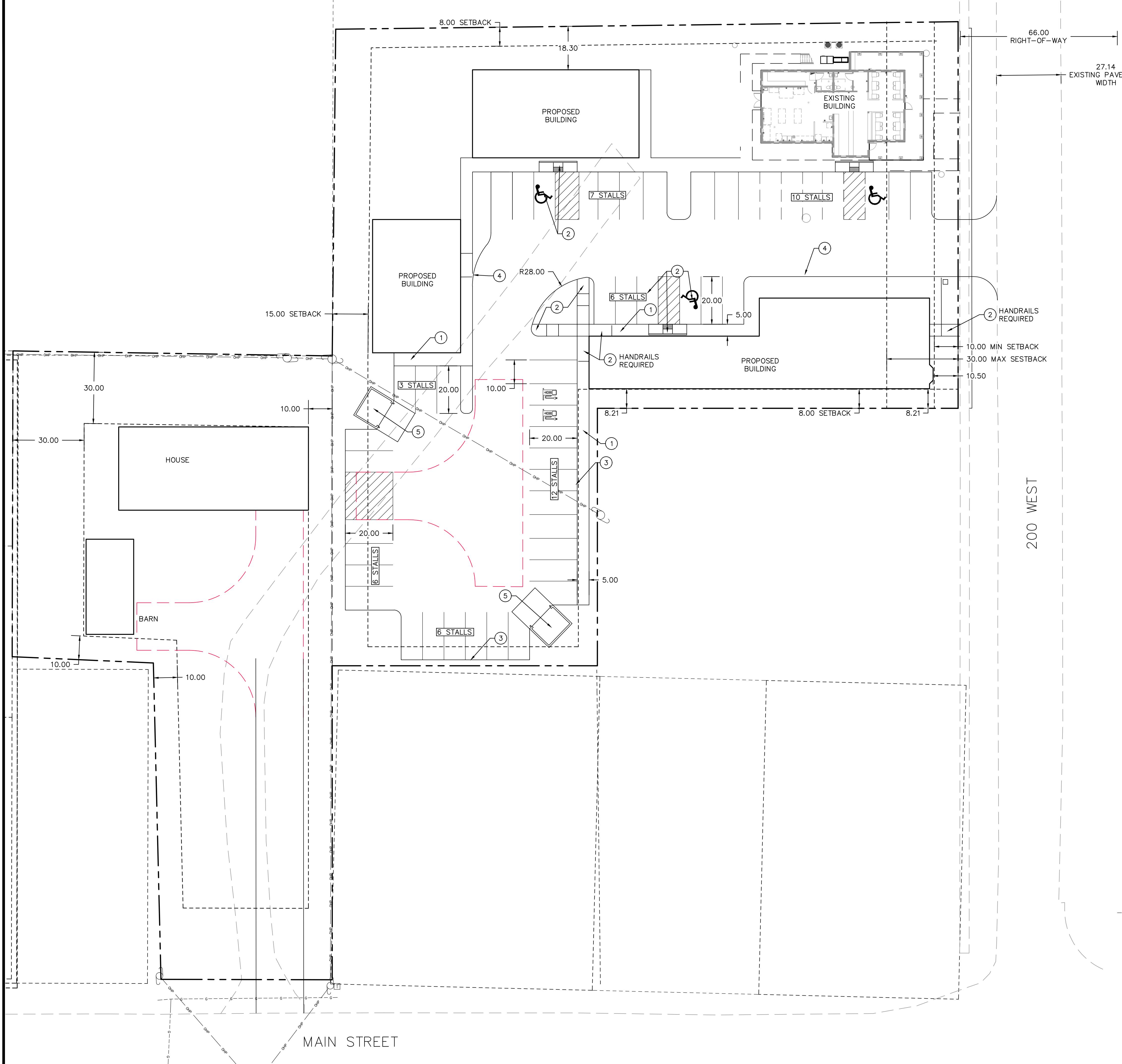
- SITE DESIGN NOTES:**
- (1) PROPOSED SIDEWALK PER APWA PLAN 231. SEE SHEET C-4.
 - (2) ALL ADA STALLS AND RAMPS TO BE INSTALLED PER ADA STANDARDS AND MIDWAY CITY STANDARD STREETS-B. SEE SHEET C-4.
 - (3) PROPOSED CURB & GUTTER PER MIDWAY CITY STANDARD STREETS-6. SEE SHEET C-4.
 - (4) PROPOSED REVERSE PAN CURB AND GUTTER PER DETAIL 1. SEE SHEET C-4.
 - (5) PROPOSED DUMPSTER LOCATION.

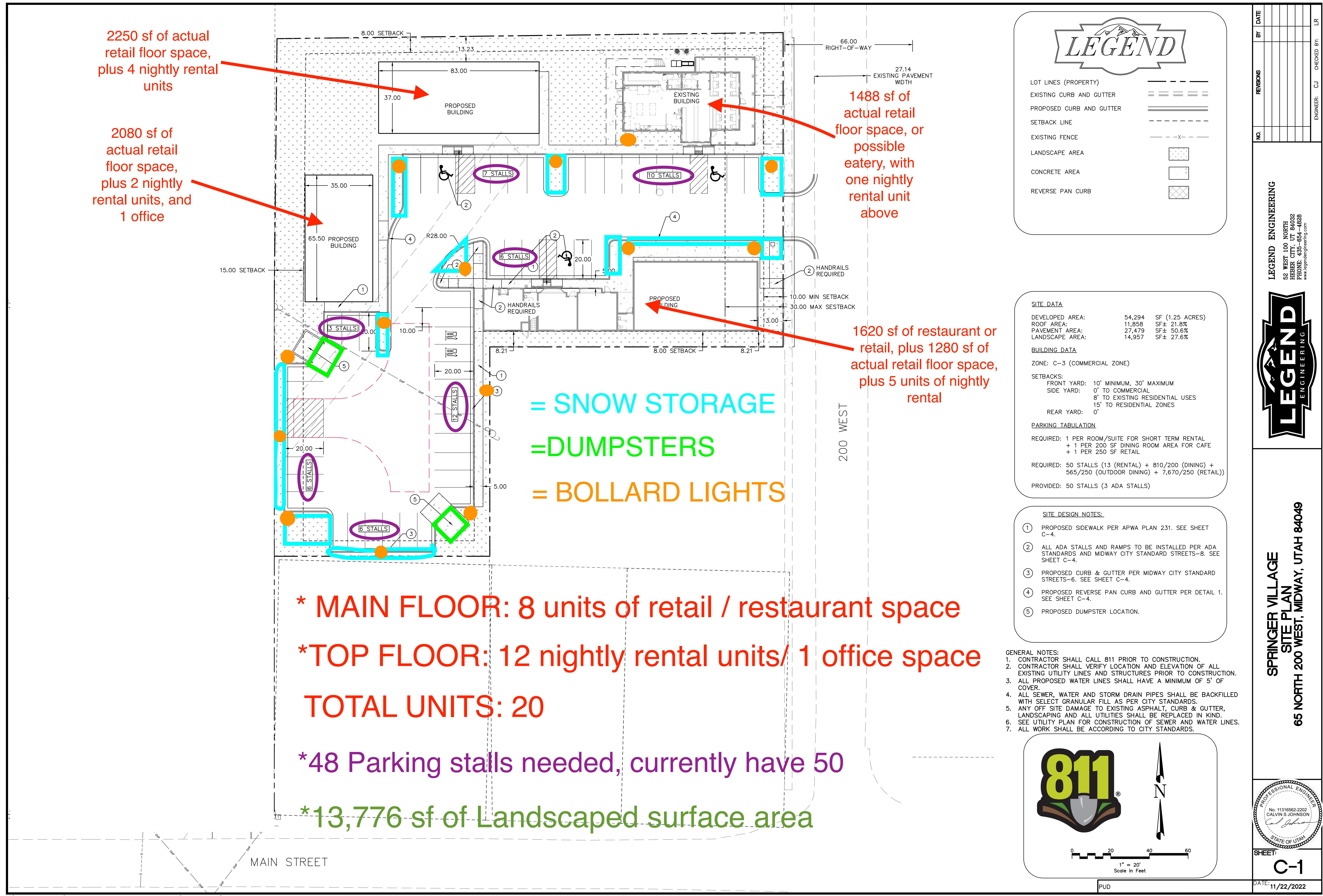
GENERAL NOTES:

1. CONTRACTOR SHALL CALL 811 PRIOR TO CONSTRUCTION.
2. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL EXISTING UTILITY LINES AND STRUCTURES PRIOR TO CONSTRUCTION.
3. ALL PROPOSED WATER LINES SHALL HAVE A MINIMUM OF 5' OF COVER.
4. ALL SEWER, WATER AND STORM DRAIN PIPES SHALL BE BACKFILLED WITH SELECT GRANULAR FILL AS PER CITY STANDARDS.
5. ANY OFF SITE DAMAGE TO EXISTING ASPHALT, CURB & GUTTER, LANDSCAPING AND ALL UTILITIES SHALL BE REPLACED IN KIND.
6. SEE UTILITY PLAN FOR CONSTRUCTION OF SEWER AND WATER LINES.
7. ALL WORK SHALL BE ACCORDING TO CITY STANDARDS.



SHEET: C-1
DATE: 11/16/2022





S.F. LANDSCAPE PLAN





Facing 200
West



Facing 200 West











