

PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: February 13, 2024

NAME OF PROJECT: Springer Farms

PROPERTY OWNER: Springer Farms Land Holdings LLC

AUTHORIZED REPRESENTATIVE: Travis Nokes

AGENDA ITEM: Preliminary Approval to Subdivide Springer

Farms Commercial Planned Unit

Development – Condominium of Unit 4

LOCATION OF ITEM: 49 North 200 West

ZONING DESIGNATIONS: C-3

ITEM: 6

Travis Nokes is requesting Preliminary Approval to subdivide the Robey Building of Springer Farms into a commercial condominium. The proposal would subdivide the Robey (Unit 4) building into ten units. The Robey Building will consist of seven short-term rental units on the upper floor and three commercial units on the lower floor. The property is located at 65 N 200 W and is in the C-3 zone.

BACKGROUND:

Travis Nokes, representative for Springer Farms Land Holdings LLC, is proposing preliminary approval to subdivide Unit 4 of the Springer Farms Commercial Planned Unit Development into ten condominiums. The condominiums will consist of seven short-term rental units on the upper floor and three commercial units on the lower floor. This will allow the owner to sell each of the ten units to different entities that will be governed by the Codes, Covenants, and Restrictions (CC&Rs) of Springer Farms.

Commercial Condominiums are a conditional use in the C-3 zone. Currently, Springer Farms is a four-unit commercial planned unit development. The four units are four building sites surrounded by common area that the four units all own in common. What is being proposed is to add a plat to the recorded Springer Farms Subdivision. The new plat will be a condominium plat of Unit 4 that will divide it from one unit to ten units. Unit 4, which currently has one tax identification number, will have ten tax identification numbers. Likewise. Springer Farms, which currently has four tax identification numbers, will have 14 tax identification numbers. It is likely that Units 1-3 will also go through the same process in the future.

Unit 4 is currently under construction. There are different building code requirements for a condominium building as compared to a building in one ownership. It is staff's understanding that the building under construction is being built to the required condominium standards. As mentioned earlier, Springer Farms CC&Rs will govern all the units in the development. The landscaping and parking areas are 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 in 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 uses. 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 complement 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.

The original approval of Springer Farms as a Conditional Use has the following conditions required as part of the approval and will continue to be required if Unit 4 is subdivided:

- Fencing be installed per the proposed fencing plan and compliance with City requirements.
- The windows facing off the property, on the second floor of any buildings, had to have window coverings installed on them.

LAND USE SUMMARY:

- C-3 zone
- 1.26 acres
- Unit 4 is 4,747 square feet (building footprint)
- Unit 4 will be a condominium plat
- Unit Four:
 - o Three lower floor commercial units
 - Seven short-term rentals (will not include kitchens or individual laundry facilities)
- Private driveways, parking, and landscaping that will be common area and will be maintained by the Property Owners' Association

ANALYSIS:

Architectural Theme – The developer is required to receive architectural approval of all structures in a commercial planned unit development. The developer has presented renderings to the Visual Architecture Committee and has received a recommendation of approval for Unit 4.

Parking – The developer is providing 50 stalls in the proposed site plan. Based on the information provided, 44 stalls are required for the proposal (13 stalls for short-term rentals, 6.4 stalls for the west building lower floor and 4 stalls for the west building upper floor, 10.2 stalls for the south building lower floor, and 4.25 stalls for the restaurant, and 5.8 stalls for the north building).

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 13 short-term rental units (seven in Unit4). The units will not contain kitchens or laundry facilities.

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 has been required to help mitigate nuisances. Fencing has been required 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. The applicant has also submitted a "Will-Serve" letter from Wasatch County Solid Waste Disposal District.

VISUAL AND ARCHITECTURAL COMMITTEE RECOMMENDATION:

The Visual and Architectural Committee (VAC) reviewed renderings for the proposed development during their meeting on December 14, 2022. Signage will need to be reviewed and approved when more information is submitted.

POSSIBLE FINDINGS:

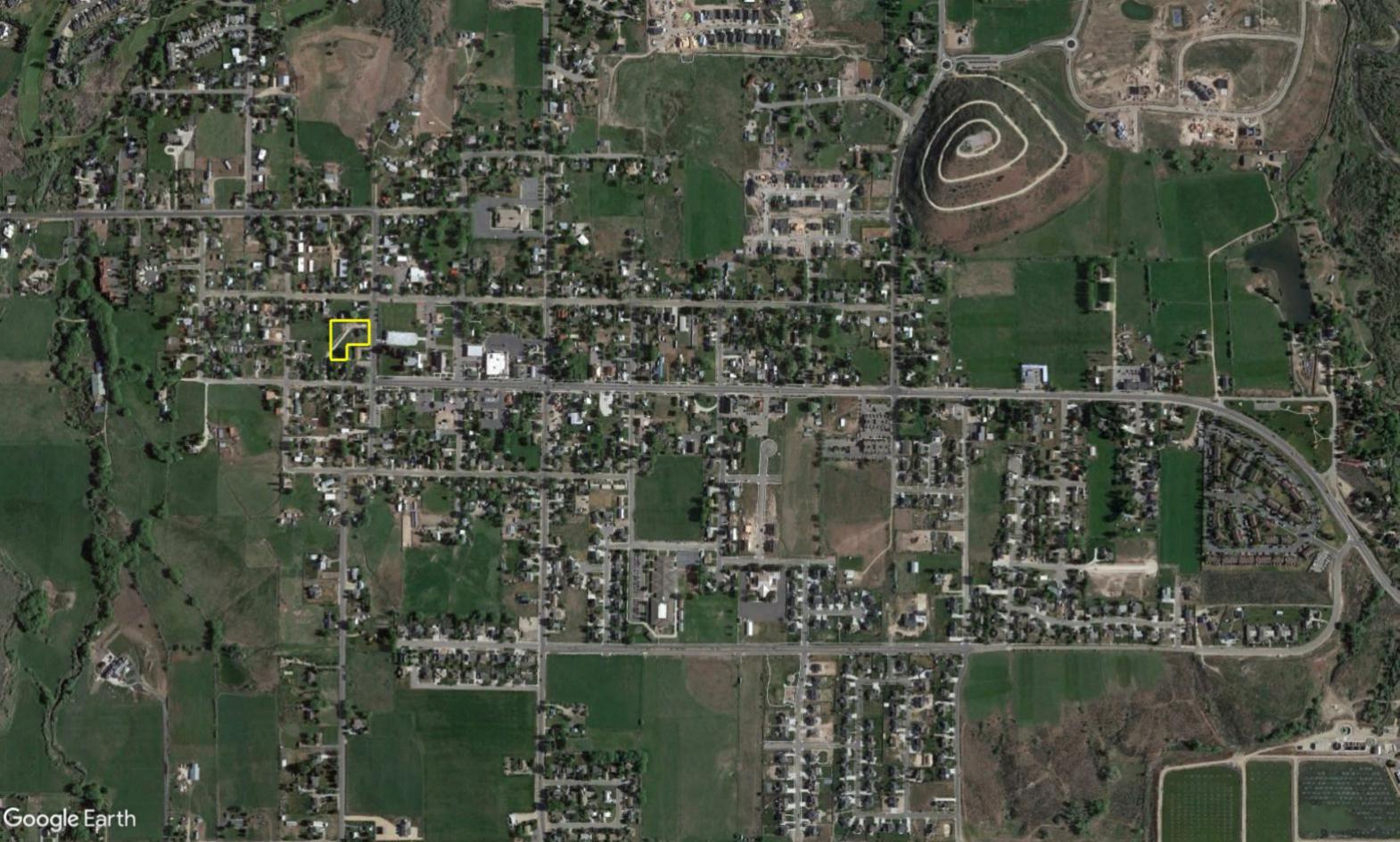
- The proposal will benefit the City financially by creating a greater tax base and by providing more commercial options to the community.
- The proposal may help the City better comply with State requirements regarding the ability to collect resort tax.
- Commercial condominium developments are a conditional in the C-3 zone.

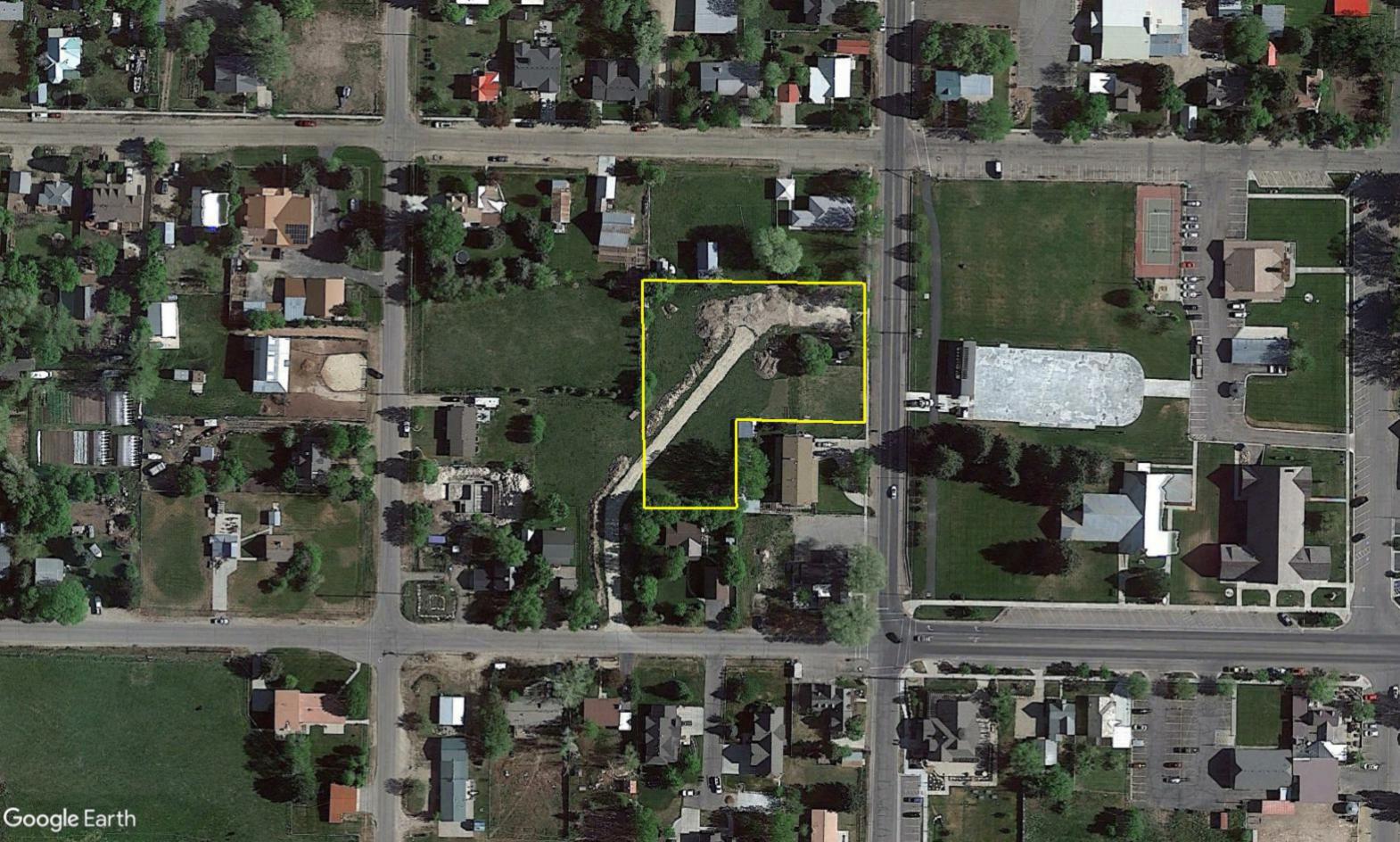
ALTERNATIVE ACTIONS:

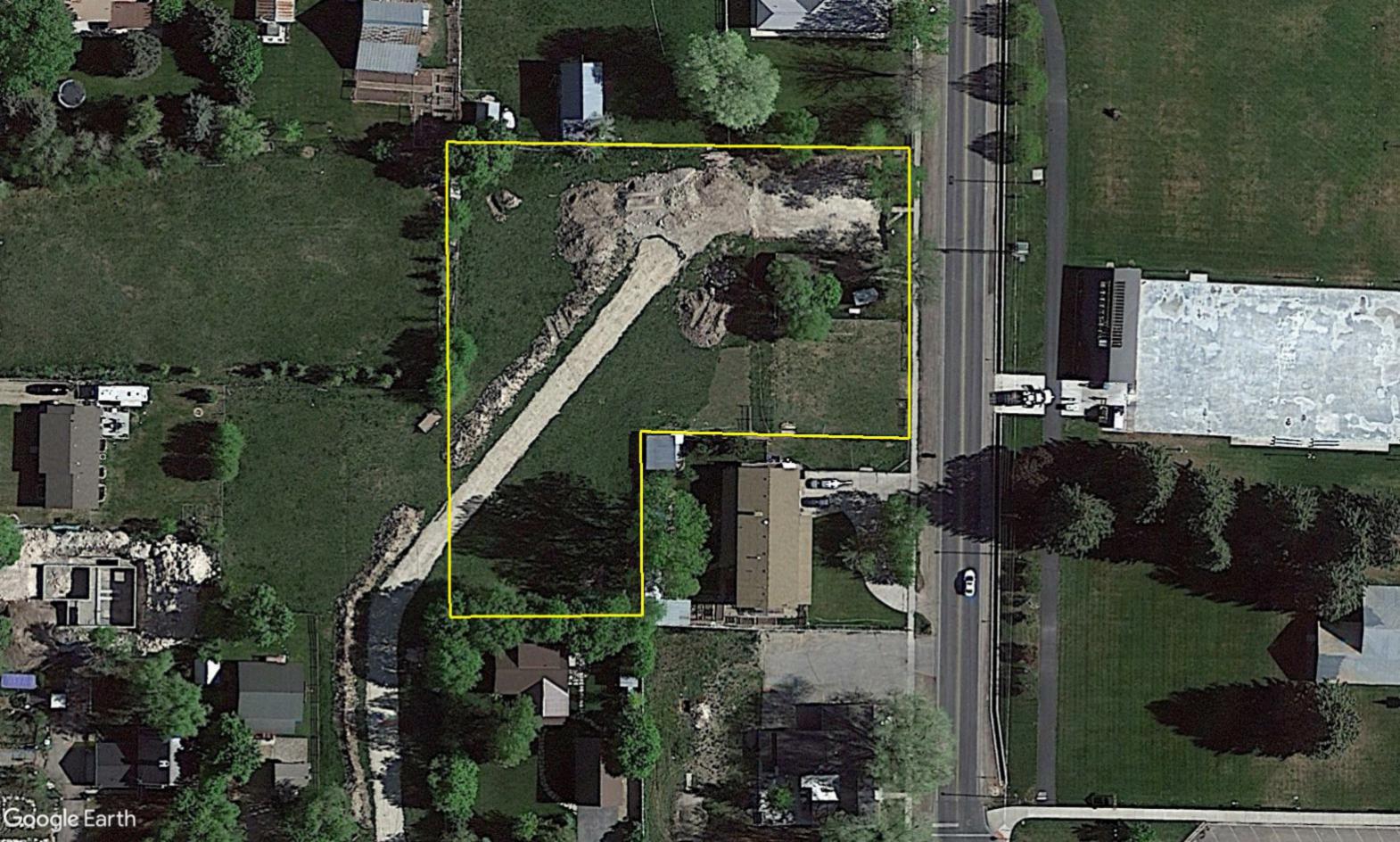
- 1. <u>Recommendation of Approval (conditional)</u>. This action can be taken if the Planning Commission finds the proposal complies with the requirements of the code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s) if needed
- 2. <u>Continuance</u>. This action can be taken if the Planning Commission 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. <u>Recommendation of Denial</u>. This action can be taken if the Planning Commission 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

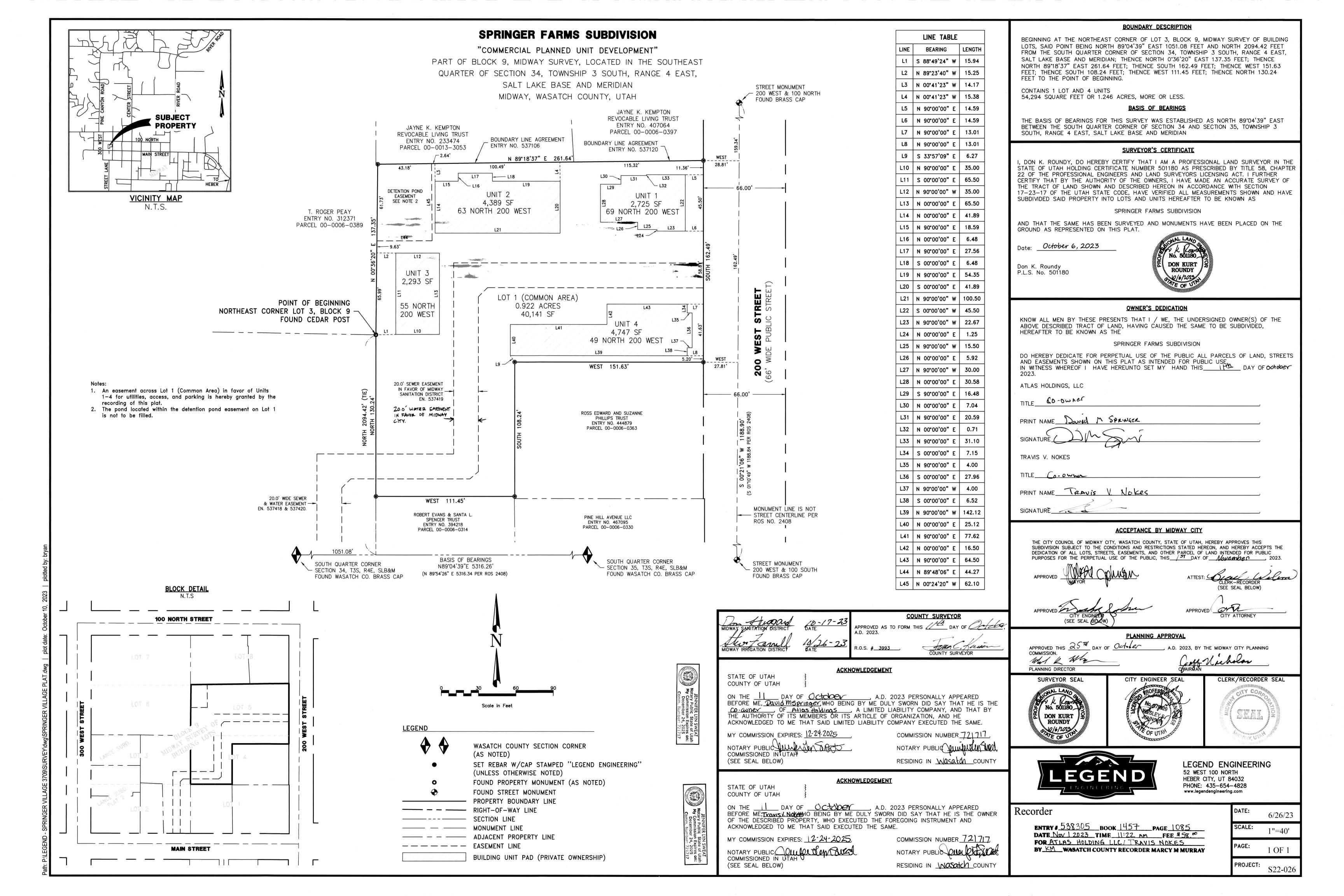
PROPOSED CONDITIONS:

1. None

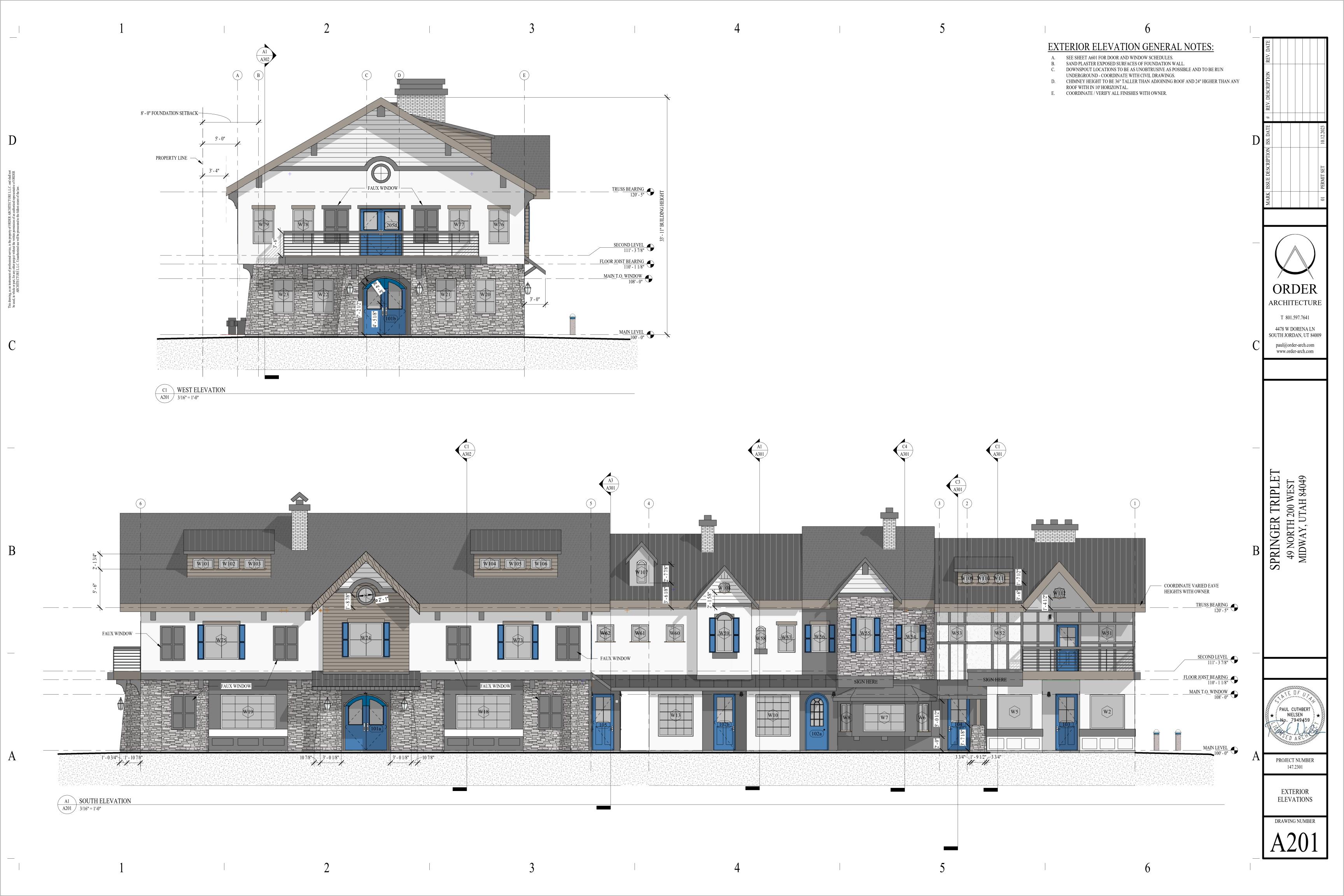










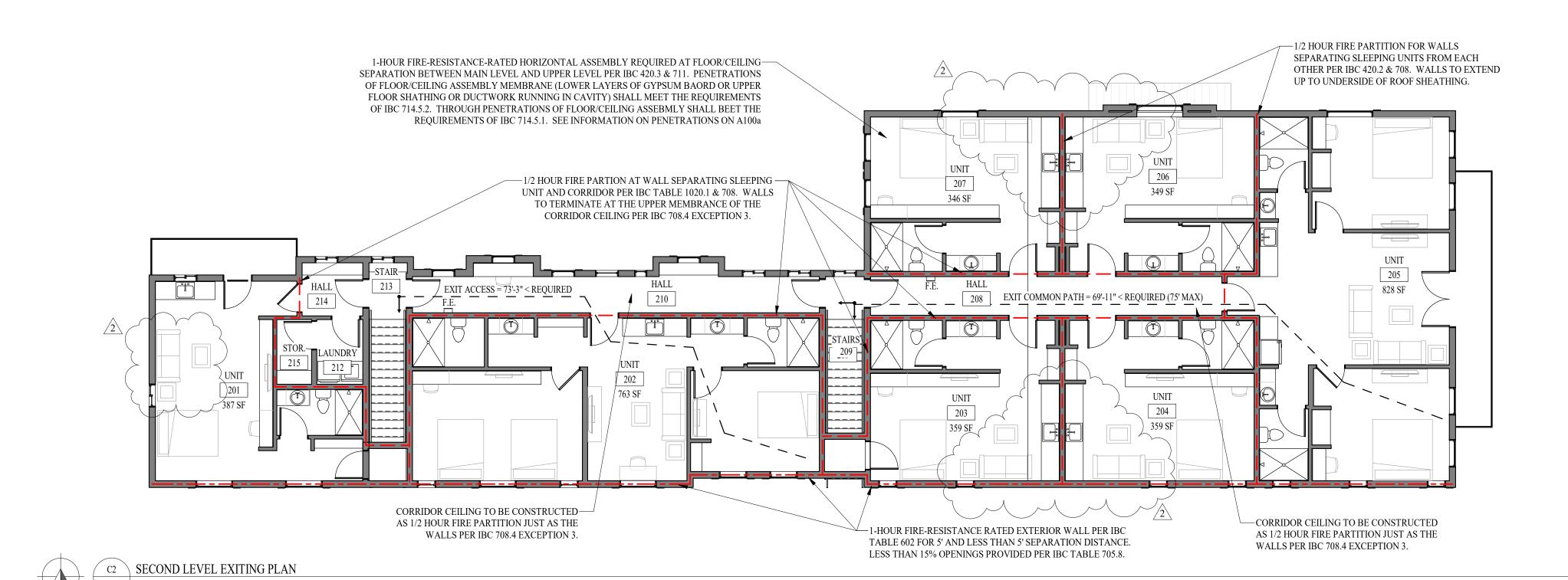


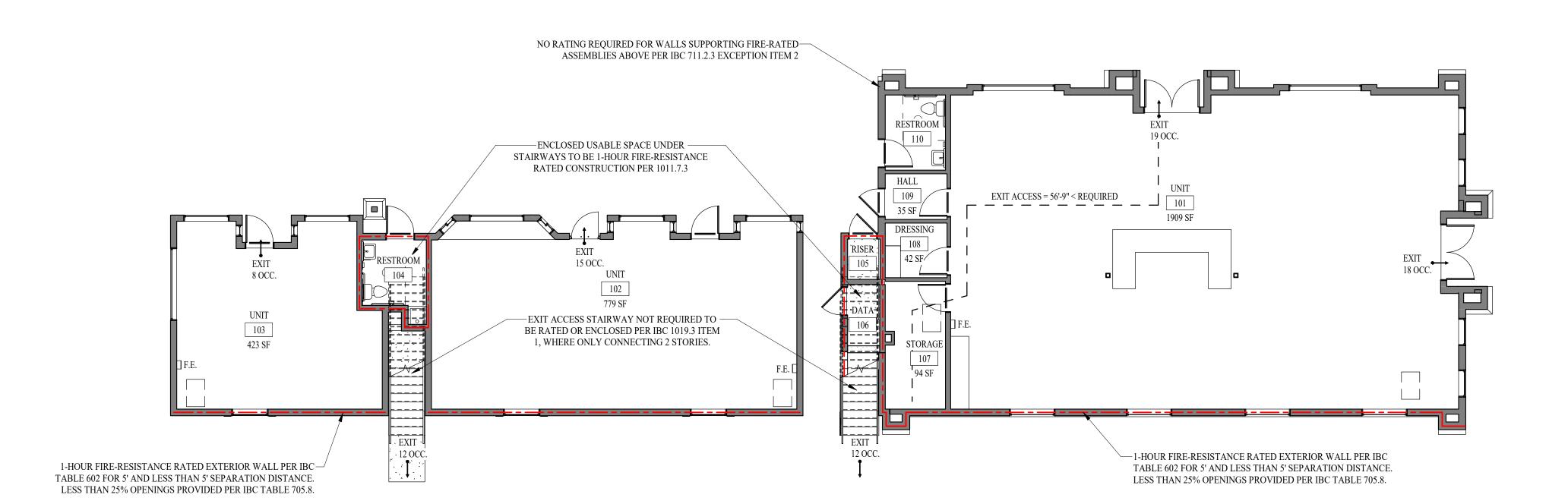


- <u>FIREBLOCKING</u> UP TO THE UNDERSIDE OF THE FLOOR OR ROOF SHEATHING, DECK OR SLAB ABOVE USING MATERIALS COMPLYING WITH <u>SECTION 718.2.1</u>.
- DRAFTSTOPPING UP TO THE UNDERSIDE OF THE FLOOR OR ROOF SHEATHING, DECK OR SLAB ABOVE USING MATERIALS COMPLYING WITH <u>SECTION 718.3.1</u> FOR FLOORS OR <u>SECTION 718.4.1</u> FOR <u>ATTICS</u>.

EXCEPTION: WHERE <u>CORRIDOR WALLS</u> PROVIDE A <u>SLEEPING UNIT</u> OR <u>DWELLING UNIT</u> SEPARATION, DRAFTSTOPPING SHALL ONLY BE REQUIRED ABOVE ONE OF THE <u>CORRIDOR WALLS</u>.

PROVIDE OPENINGS IN FIREBLOCKING/DRAFTSTOPPING TO ALLOW ACCESS INTO ALL ATTIC SPACES. OPENING SHALL BE PROTECTED BY SELF-CLOSING 20 MINUTE RATED DOORS WITH AUTOMATIC LATCHES.





MAIN LEVEL EXITING FLOOR PLAN

FLOOR PLAN GENERAL NOTES:

GENERAL NOTES APPLY TO ALL DRAWINGS. ALL DIMENSIONS ARE TO FINISH FACE OF WALL OR TILE SUBSTRATE

UNLESS OTHERWISE NOTED. DO NOT SCALE DRAWINGS.

CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFICATION OF ALL DIMENSIONS AND FIELD CONDITIONS PRIOR TO ORDERING OR INSTALLING MATERIALS OR EQUIPMENT.

ALL MATERIALS FOR USE IN THIS PROJECT SHALL BE NEW AND UNUSED UNLESS NOTED OTHERWISE.

ALL ASPECTS OF THE WORK AND ITEMS NOT SPECIFICALLY MENTIONED, BUT WHICH ARE NECESSARY TO MAKE A COMPLETE WORKING INSTALLATION. SHALL BE INCLUDED, AND INDICATED IN THE

CONTRACTORS BID. THE GENERAL CONTRACTOR AND ALL SUBCONTRACTORS ARE RESPONSIBLE FOR PROPER REMOVAL AND DISPOSAL OF ALL DEBRIS GENERATED BY CONSTRUCTION OF THIS PROJECT. THE REMOVAL AND DISPOSAL OF ALL CONSTRUCTION DEBRIS SHALL BE IN FULL COMPLIANCE WITH ALL FEDERAL, STATE AND LOCAL REGULATIONS. THE PREMISES SHALL BE KEPT CLEAN AND FREE FROM ALL WASTE MATERIALS.

GENERAL CONTRACTOR SHALL PROTECT NEW CONSTRUCTION FROM DAMAGE BY ALL TRADES. ALL SUCH DAMAGE CAUSED BY THE CONTRACTORS AND SUBCONTRACTORS DURING THE COURSE OF THIS WORK SHALL BE REPAIRED OR REPLACED AT THE CONTRACTORS

ALL PIPING AND CONDUITS SHALL BE CONCEALED WITHIN WALLS, UNDERGROUND, ABOVE CEILING OR IN ARCHITECTS APPROVED UTILITY SPACES IN ALL CASES UNLESS NOTED OTHERWISE ON THE DRAWINGS. EXPOSED ITEMS MUST BE LOCATED IN AREAS APPROVED BY THE ARCHITECT. EXPOSED ITEMS SHALL BE INSTALLED AND FINISHED TO PROVIDE MINIMAL VISUAL IMPACT. ALL EXPOSED ITEMS ARE TO BE PAINTED TO MATCH THE ADJACENT SURFACES UNLESS SCHEDULED FOR AN ACCENT COLOR

TO ALL INTERIOR FINISHES AND MATERIALS FOR PRODUCTS AND

GENERAL CONTRACTOR TO COORDINATE ALL RESTROOM ACCESSORIES WITH OWNER. SEE MOUNTING HEIGHT DETAILS ON A501.

SEE DETAILS B2, B3 & B4 ON SHEET A502 FOR EXTERIOR WALL LOCATIONS IN RELATIONSHIP TO FOUNDATION WALL.

GENERAL CONTRACTOR TO COORDINATE WITH OWNER WITH REGARDS

EGRESS & OCCUPANCY LEGEND:

— — 1/2 HOUR FIRE RATED PARTITION

— 1 HOUR FIRE RATED PARTITION

EXIT 169 OCC. EXIT DISCHARGE AND LOAD FACTOR FIRE EXTINGUISHER (SURFACE-MOUNT). PROVIDE 2A:10BC RATED FIRE EXTINGUISHER. — - - - LINE INDICATES TRAVEL DISTANCE TO FIRE EXTINGUISHERS - - LINE INDICATES EXIT ACCESS (<250') / COMMON PATH OF EGRESS TRAVEL (<75')

OCCUPANCY LOAD SCHEDULE

OCCUPANCY AREA FACTOR OCCUPANTS MERCANTILE 2069 SF 60 102 UNIT MERCANTILE | 880 SF 103 UNIT MERCANTILE 479 SF 104 RESTROOM MERCANTILE 71 SF 118 SF 107 STORAGE STORAGE 110 RESTROOM | MERCANTILE | 77 SF 60 EQUIPMENT **EQUIPMENT** 44 SF 42 SF

SECOND LEVEL RESIDENTIAL 4671 SF 200 4671 SF TOTAL OCCUPANTS 8498 SF

ORDER ARCHITECTURE T 801.597.7641 4478 W DORENA LN SOUTH JORDAN, UT 84009

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NIELSEN

PROJECT NUMBER

EXITING & OCCUPANCY PLANS

DRAWING NUMBER

