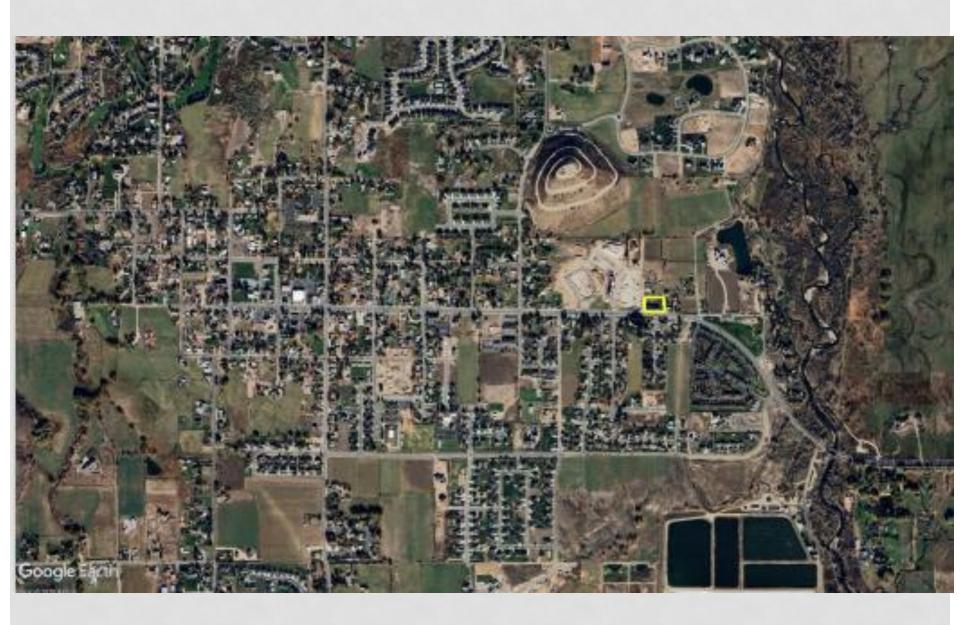
GRANARY APPLICATION TO CONVERT TO CONDOMINIUMS

SUBDIVISION, PLAT AMENDMENT, CUP

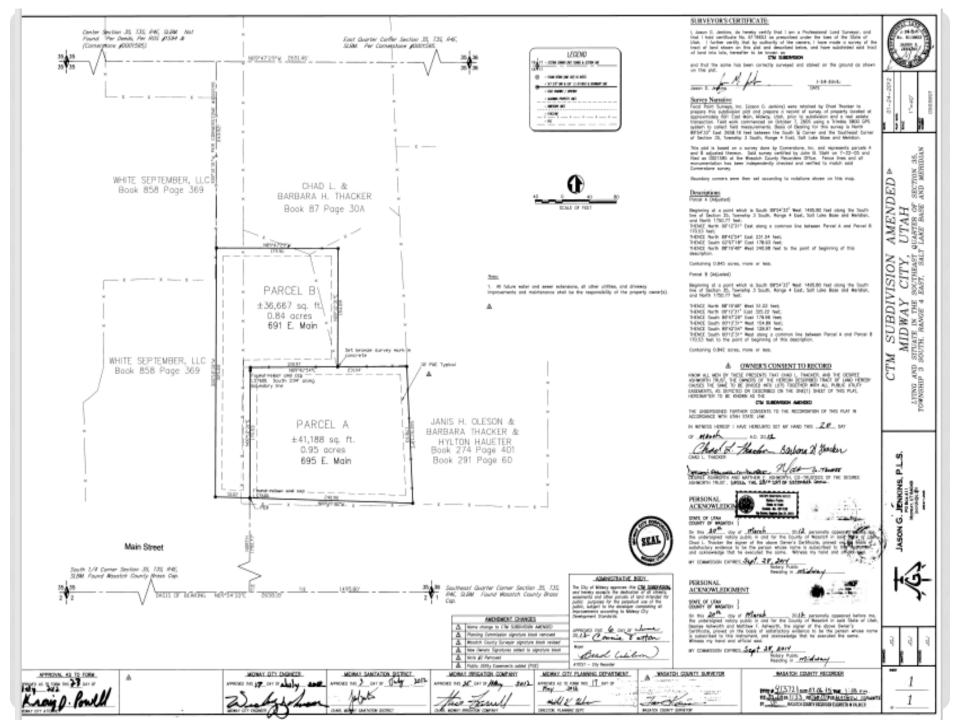
LAND USE SUMMARY

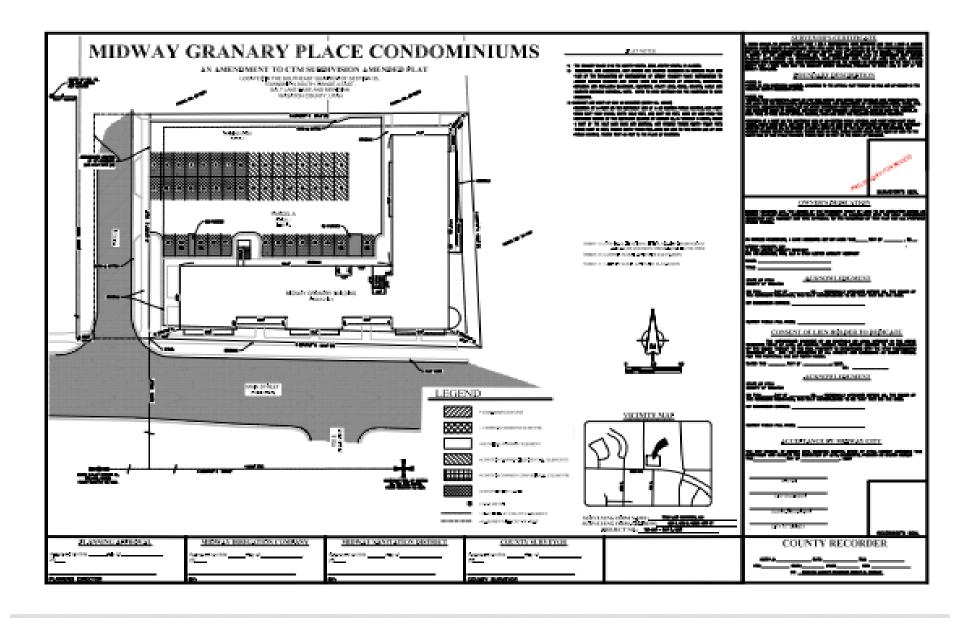
- Property owner: Midway Granary, LLC; Name of Project: CTM Subdivision (Midway Granary)
- C-2 Zone. Entire Granary Building falls within the TROD.
- Approximately 1 acre. The Granary Building is approximately 24,000 sq. ft.
- Frontage on Main Street 695 East Main Street
- The Granary building consists of 5 lower floor commercial units and 14 residential units under single ownership.
- Driveways, parking, and landscaping that will be common area and will be maintained by a Property Owners' Association to be created.
- Proposal for preliminary approval would maintain use but convert ownership to allow for individual ownership of each unit, necessitating a corresponding Plat Amendment and Conditional Use Permit.

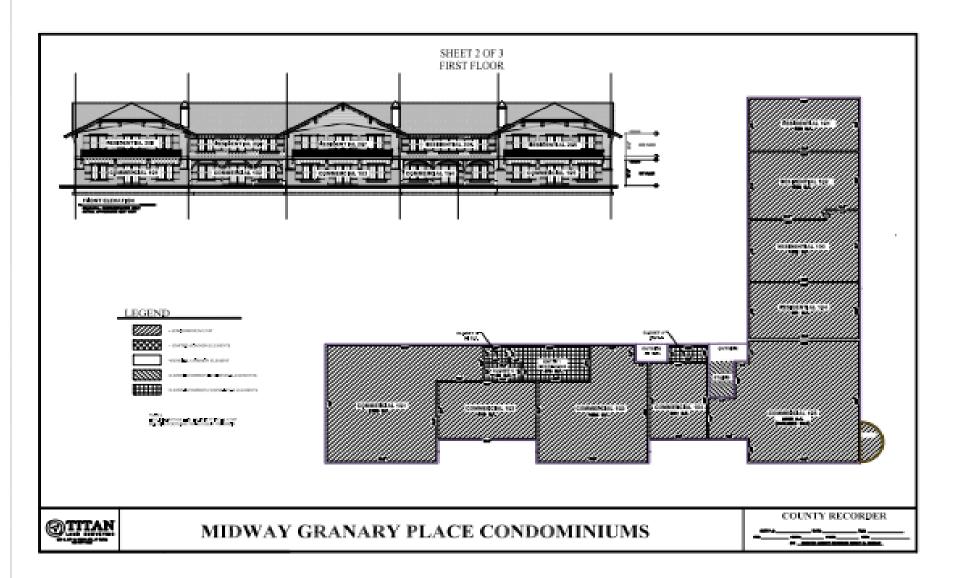


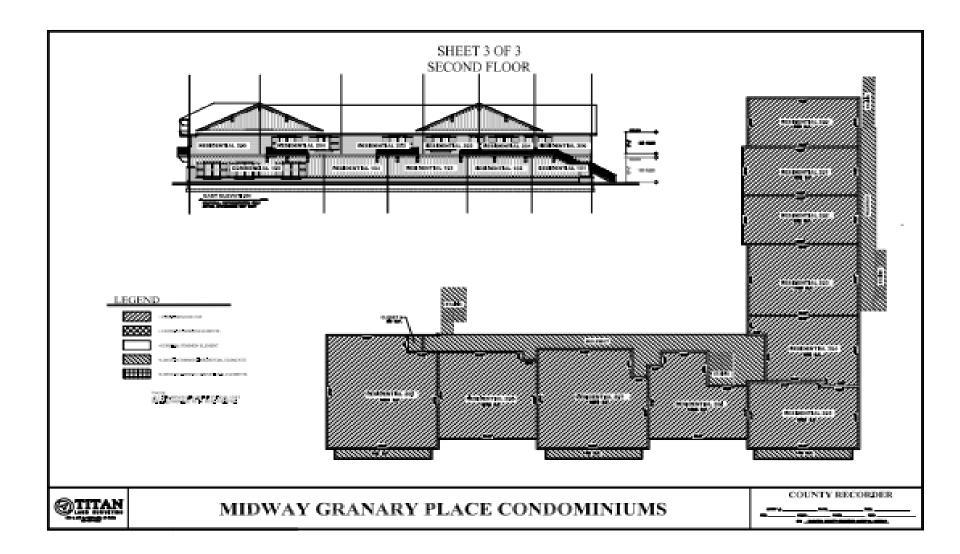












APPLICATION

According to the application:

The Midway Granary building provides 14 housing units and 5 commercial spaces. The Watts team is proposing to convert all spaces to condominium ownership. The residential units will provide TRT tax income for the city for the units that are rented and permanent housing for those who are looking for a condominium to live in.

BACKGROUND

- Built under single ownership
- Units share gas and utility lines, which may run through the building
- Access easement
- Original CUP was for mixed-use development under Section 16.05.030, with commercial and warehouse on the entire lower floor and residential on upper floor.
- Amended CUP in 2017 to remove warehouse area on lower floor and include 4 more residential units.
 Result is 2/3 of lower floor as commercial space and entire upper floor and 1/3 of lower floor as residential.

DISCUSSION

- Commercial Condominiums and Residential Condominiums in a mixed-use project are conditional uses in the C-2 zone under Section 16.05.020 of the Midway City Code
- Units served by shared gas and utility lines. Required
 easements for operation and maintenance of such systems
 would have to be recorded on any plat so that future owners
 have the ability to secure needed maintenance and are on
 notice that repairs to other units might involve access to or
 through their unit.
- The landscaping and parking areas are recorded as common area and would be maintained by a Property Owners' Association to be created, the CC&Rs of which will apply to and govern all units.

CONDITIONAL USE PERMIT

- Conditional uses are governed by 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.

ANALYSIS

- Use expected to continue as residential and commercial units. Only change in ownership.
- Parking there are 45 on-site parking stalls located to side and rear of building per Section 16.05.030(e). Use not changing.
- Property Owners' Association a POA is required for the proposed mixed use commercial and residential development. Creation of a POA and recording of Codes, Covenants, and Restrictions (CC& Rs) are conditions precedent for this application.
- Water was dedicated at the time of construction.
- Lighting shall comply with current code.
- Access currently through recorded amended easement granted by property owners to the north.

POSSIBLE FINDINGS CUP

Section 16.26.120 requires specifically the City Council to find:

- 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 commercial and mixed-use projects as listed in the Municipal Code. The design of the project was reviewed and approved at the time of construction and remains unchanged. The only contemplated change is ownership, not use.
- 2. The proposed use is consistent with the General Plan; the proposed uses are not changing from the existing use, which was granted a conditional use permit. The only change contemplated is ownership.
- 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 located in the development are required to have approved business licenses with the City. Again, the use remains unchanged. The only change contemplated is ownership

POSSIBLE FINDINGS CUP CONT

- 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 known. The use remains unchanged form the current use which was granted a conditional use permit.
- 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 use remains unchanged from the current use for which a Conditional Use Permit was granted. The City has not received substantiated complaints regarding noise or traffic in connection with the current use.
- 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 business as they have been operating at the location and the use remains unchanged.
- 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; the proposed use is a continuation of the existing use of the site. The City has not received any complaints regarding access, traffic flow, etc., and is aware of no detriments to public health and safety associated with the current use.

PLAT AMENDMENT

In order for the Land Use Authority to approve a plat amendment, Utah State Code requires the Land Use Authority find:

- (a) there is good cause for the vacation, alteration, or amendment; and
- (b) no public street, right-of-way, or easement has been vacated or altered.
- As to the first, the applicant seeks to amend the plat to allow the units existing under common ownership to be divided into condominiums, each with a separate taxpayer identification number, which may be sold to independent owners.
- As to the second requirement, no public street, right-of-way, or easement will be vacated or altered by the proposed amendment.

POSSIBLE FINDINGS PLAT AMENDMENT

- 1. The application seeks to change ownership of the Granary building from single ownership to individual ownership of units as condominiums. The property would change from one taxpayer identification number to different taxpayer identification numbers for each unit.
- 2. The proposal would give residents and commercial companies the option to own their residence/commercial site as opposed to renting.
- 3. The proposal may help the City comply with State requirements regarding the ability to collect resort tax.
- 4. Commercial condominium developments and mixed commercial and residential condominium developments are conditional uses in the C-2 zone.
- 5. Change in ownership necessitates the creation of a Property Owners' Association (POA) for the proposed mixed use commercial and residential development. Creation of a POA and recording of Codes, Covenants, and Restrictions (CC& Rs) are conditions precedent for this application

POSSIBLE FINDINGS PLAT AMENDMENT CONTINUED

- 6. Change in ownership necessitates a Plat Amendment. Such amended plat shall depict any and all common areas and/or limited common areas as well as set forth easements necessary for access to the units and maintenance of utility lines including, but not limited to, shared electric and gas lines and water and sewer lines servicing the property.
- 7. Good cause for the proposed plat amendment exists in that it will permit separate ownership of the units and investment by multiple owners in the community. No public streets, rights-of-way or easements will be vacated or altered by the proposed plat amendment.

NOTICE

 Notices were sent to all neighboring property owners within 600 feet of the property as required by State Law and the Midway Municipal Code. Notice was also published in the Wasatch Wave according to law.

POSSIBLE FINDINGS

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- 7. Good cause for the proposed plat amendment exists in that it will permit separate ownership of the units and investment by multiple owners in the community. No public streets, rights-of-way or easements will be vacated or altered by the proposed plat amendment.

PROPOSED CONDITIONS

- 1. Creation of a Property Owners' Association (POA) and CC&Rs is required prior to the recording of any amended plat. The Applicant has forwarded proposed CC&Rs to the City for review.
- 2. Lighting shall comply with the City's current lighting ordinance.
- Easements necessary for access to and maintenance of utility lines required for individual owners will be recorded and depicted on the plat. The plat provided by the applicant contains a note to this effect.
- 4. Access easements necessary to accommodate the proposed change in ownership will be recorded and depicted on the plat. The plat provided by the applicant contains a note to this effect.
- 5. The first note on the proposed amended plat, referencing nightly rentals, will be removed prior to recording the plat.

ALTERNATIVE ACTIONS

- 1. <u>Approval</u>. This action can be taken if the City Council finds that the proposed language is an acceptable amendment to the City's Municipal Code.
 - 1. Accept the staff report
 - 2. List accepted findings
- 2. <u>Continuance</u>. This action can be taken if the City Council would like to continue exploring potential options for the amendment.
 - 1. Accept the staff report
 - 1. List accepted findings
 - 2. Reasons for continuance
 - 3. Unresolved issues that must be addressed
 - 4. Date when the item will be heard again.
- 3. <u>Denial</u>. This action can be taken if the City Council finds that the proposed amendment is not an acceptable revision to the City's Municipal Code.
 - 1. Accept the staff report
 - 2. List accepted findings
 - 3. Reasons for denial