



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: September 8, 2026

NAME OF APPLICANT: Mark B. Nelson

AGENDA ITEM: Conditional Use Permit – Transient Rental Unit

LOCATION OF ITEM: 70 West 100 South

ZONING DESIGNATION: R-1-7

ITEM 4

Conditional Use Permit (CUP): Mark Nelson, owner of the property located at 70 West 100 South, is seeking a Conditional Use Permit to use the property for nightly rentals. The property is located in the R-1-7 zone and falls within the Transient Rental Overlay District (TROD).

BACKGROUND:

The property is located in the R-1-7 residential zone within the Transient Rental Overlay District (TROD) but outside the Resort Zone. Therefore, a Conditional Use Permit is required prior to applying for a Transient Rental Unit License. The applicant seeks approval to rent the home on a short term basis (30 days or less), which requires contracting with a City licensed property management company, providing off-street parking, and obeying occupancy limits, along with all other applicable requirements set forth in the Code.

DISCUSSION:

- All owners of transient rental units pay a transient rental tax.
- Another benefit is the resort tax the City collects.
- On the other hand, transient rentals take away from the community aspect, and although this property borders the commercial zone, the property is in a residential zone.
- The City has tried to achieve balance by restricting short term rentals to a well-defined overlay zone (TROD).

ANALYSIS:

The italicized text represents 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 have a significant impact on the neighborhood as long as all the requirements of the Transient Rental Unit License are met. It appears the proposal will comply with the provisions of the Code.*
2. The proposed use is consistent with the General Plan; *the property falls within the TROD.*
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 applicants are required to apply and receive approval of a transient Unit Rental License before they will be allowed to rent the unit. This license requires the applicant to register with the State for tax purposes, have the unit inspected by the building inspector, fire marshal, and health inspector, and contract with a City licensed property manager.*
4. There will be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored; *No issues have been identified.*

5. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses within 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 use and associated traffic is consistent with the adjacent units and the neighborhood. The proposed use will have to comply with all City ordinances, including noise, lighting, and sign ordinances.*
6. The subject site is physically suitable for the type and density/intensity of the proposed use; *The parcel is a single lot improved with a single-family home with an attached two-car garage; therefore, four vehicles are allowed with only two visible at any time. There are five bedrooms in the house, so the limit of overnight renters is 12 (two for each bedroom plus two others).*
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 detrimental impacts have been identified.*

POTENTIAL FINDINGS: (in favor)

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.
2. The proposed use is consistent with the General Plan.
3. The approval of the conditional use or special exception permit for the proposed use appears to comply with the requirements of state, federal and Midway City or other local regulations.
4. There appear to be no potential, significant negative effects upon the environmental quality and natural resources that could not be properly mitigated and monitored.
5. The design, location, size, and operating characteristics of the proposed use appear compatible with the existing and future land uses within 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.
6. The subject site is physically suitable for the type and density/intensity of the proposed use.

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.
8. The property falls within Midway's Transient Rental Overlay District (TROD)
9. Because the property is in the TROD, but not within the C-2, C-3, or RZ zones, the proposed use is a conditional use pursuant to Midway City Code Section 7.06.050(A).
10. The rental of the property for transient lodging purposes is subject to and conditioned upon compliance with Midway City Code including, but not limited to, licensing, nuisance, light and sign ordinances, as well as required inspections.
11. The Applicant has agreed to limit occupancy to a maximum of 14 persons or the maximum determined appropriate by the City Building Official/Fire Marshall, whichever is less.

ALTERNATIVE ACTIONS:

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

PROPOSED CONDITION:

If the CUP is granted, occupancy of the short-term rental shall be limited to a maximum of 14 people or the maximum determined appropriate by the City Building Official/Fire Marshall, whichever is less.



Midway

Provo River



Midway



