



## CITY COUNCIL MEETING STAFF REPORT

**DATE OF MEETING:** May 5, 2026  
**PROPERTY OWNER:** Lisa Peery  
**AUTHORIZED REPRESENTATIVE:** Jonathon Burton/Innovative Harbor  
**AGENDA ITEM:** Conditional Use Permit for a Daycare  
**LOCATION OF ITEM:** 17 South 580 East  
**ZONING DESIGNATIONS:** C-2

### **ITEM: 7**

Jonathon Burton, agent for Innovative Harbor, is applying for a Conditional Use Permit for a daycare. The property is located at 17 South and 580 East and is in the C-2 zone.

### **BACKGROUND:**

Jonathon Burton, agent for Innovative Harbor, is applying for a Conditional Use Permit for an adult daycare. The property is located at 17 South and 580 East and is in the C-2 zone which allows daycare facilities as a conditional use. The proposed use would be an adult daycare for local impaired adults that would participate in activities at the site. The definition of adult daycare by the State of Utah is the following:

*Nonresidential care and supervision for three or more adults for at least 4 but less than 24 hours a day that meets the needs of functionally impaired adults through a comprehensive program that provides a variety of health, social, recreational and related support services in a protective setting.*

The applicant has two uses planned for the property. Besides the adult day care, the applicant has petitioned Midway and has been approved for a residential facility for persons with a disability for the home on the site. The number of residents of the home is limited to a maximum of eight by the City Code. The state also has requirements, and the applicant is currently pursuing approval from the state.

The applicant has described the daycare as a facility that would provide day program services for residents of the group home and up to 12 other participants (20 total including the residents). The facility would operate as defined as Utah Administrative Code R501-20, Day Treatment Programs. The state will inspect the facility and determine the maximum number of participants based on state code.

Section 16.05.030 allows the applicant to present a parking plan to the City Council that allows accommodation based on the specifics of the proposal and location. The applicant is proposing that participants of the daycare that do not live on the property will be brought to the property by employees of the daycare on activity days using one, or possibly two, vans. No participants will drive their own vehicles to the property. This will limit the number of vehicles that will be parked on-site. Daycares require a stall for each employee and two stalls for pick-up and drop-off for the participants. There are three garage stalls that will be dedicated to employee parking. Two vans that will be used for the daycare will be parked in the driveway area to the east of the detached structure. This proposed plan will allow the property to continue to have a residential feel instead of creating a parking area that would give the property a commercial feel. It appears the proposed plan will accommodate the parking needs for the proposed use. A condition could be added to the motion that would require the parking plan to be readdressed if parking does become an issue.

#### **CONDITIONAL USE PERMIT:**

Because a daycare is a conditional use in the C-2 zone, 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:

- C-2 zone
- 0.32 acres
- Single-family dwelling
- Detached accessory structure
- Approved CUP for mixed-use in 2020

The italicized comments represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the City Council must make in considering the request for a Conditional Use Permit. 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 believe 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 the C-2 zone as listed in the Municipal Code. Parking will be considered specifically by the City Council.*
2. The proposed use is consistent with the General Plan; *the proposed use is consistent with the General Plan and is a planned use that is allowed in a mixed-use zone.*
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 proposal is required to comply with code requirements including Midway's land use code.*
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 significant 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 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 is allowed in the zone and no issues have been identified.*

6. The subject site is physically suitable for the type and density/intensity of the proposed use; *no issues have been identified, and it appears that the location is suitable for this type of land use activity.*
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; *it doesn't appear that the proposed use will be detrimental to public health and safety.*

**NOTICE:**

The proposal will be noticed in the State notice website, the City's website, and posted in three public locations in Midway. Notices will be sent to all neighboring property owners within 600 feet of the property before the City Council.

**PLANNING COMMISSION RECOMMENDATION:**

Motion by Commissioner Probst: "I'll make a motion that we approve the conditional use permit for daycare property located at 15 South 700 East and is in the C-2 zone and also accept the possible findings."

Comment by Commissioner Nokes: "I don't know if I can piggyback something on this or not, but I would think we should ask them, when they propose this to city council, they have daytime hours, so that City Council can take that into consideration."

Amended Motion: Motion to approve the Conditional Use Permit for an adult daycare located at 15 South 700 East in the C-2 zone, based on the findings in the staff report, with the recommendation that the applicant provide proposed daytime hours of operation for City Council's consideration.

Second: Commissioner Lineback

Ayes: Commissioners: Probst, Lineback, Facer, Winegar, Knight, Nokes

Nays: None

Motion: Passed

**POSSIBLE FINDINGS:**

- The proposal is a conditional use in the C-2 zone.
- The property was approved as mixed-use in 2020.

- The adult daycare could host up to 20 participants which includes the residents of the on-site home. The state will inspect the facility and determine the maximum number of participants based on state code.

**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 CONDITIONS:**

- If parking becomes an issue, the applicant must present a new plan that will remedy the identified parking problems.





