



**Midway City Planning Commission
Regular Meeting Minutes
September 8, 2026**

The Midway City Planning Commission held its regularly scheduled meeting at 6:00 p.m. on September 8, 2026 at the Midway City Community Center, 160 West Main Street, Midway, Utah.

Attendance

Commissioners

Laura Wardle – Chair
Travis Nokes
Kim Facer
Suellen Winegar
Craig Knight (online)
Steve Farrell (Alternate)
Tim Dougherty (Alternate)

Staff

Craig Simons – Mayor
Andrew Osborne – City Council
Michael Henke – Community
Development Director
Melissa Jones – Community
Development Assistant

Absent

Kelly Lineback – Co-chair
Genene Probst

Liaison Report

Report given by Michael Henke, Community Development Director

6:00 P.M. Regular Meeting

Call to Order

Invocation by Commissioner Facer; Pledge of Allegiance

Item 1: Approve Meeting Minutes of August 11, 2026

The Commission reviewed and approved the August 11, 2026 meeting minutes.

Motion by Commissioner Facer: “I’ll make a motion to approve the meeting minutes of August 11, 2026.”

Second: Commissioner Dougherty

Ayes: Commissioners Farrell, Nokes, Facer, Winegar, Dougherty

Nays: None

Motion: Passed

Item 2: Legislative Development Agreement (LDA) – Workforce Housing

Cooper Jenkins proposed establishing six workforce housing units within an existing commercial building at 41 West Main Street in the C-2 zone. Approval of the project is contingent upon the City adopting a Legislative Development Agreement.

Discussion:

- State Code allows Legislative Development Agreements to facilitate workforce or affordable housing by providing development incentives in exchange for long-term affordability commitments. The Planning Commission would provide a recommendation to the City Council.
- The building was constructed approximately 25 years ago with the lower level plumbed for six residential units that were never completed. Current zoning would allow one residential unit through a mixed-use Conditional Use Permit (CUP). The proposed LDA would allow six workforce housing units.
- The proposed agreement would restrict the six units to workforce housing for 30 years, with incentives to extend the agreement to 40 years. Rents would be based on 65% of Wasatch County Area Median Income (AMI), with preference given to local workers. In exchange, City incentives would include increased density from one to six units, certain fee waivers, and leased M&I water.
- Commissioners discussed the City incentives, local worker preference, parking, occupancy limits, building and fire requirements, and administration of the agreement. Staff indicated that a third-party, such as Mountainlands Housing, could oversee annual compliance at the property owner's expense.

Findings

- The proposed project advances the goals and policies of the Midway General Plan.
- The project addresses a documented community need.
- The proposed Legislative Development Agreement provides a lawful mechanism for achieving long-term workforce housing.
- The requested development incentives are reasonably related to achieving the public purpose of workforce housing.
- The project promotes the public health, safety, and general welfare by increasing housing opportunities for Midway's workforce.

Public Comment:

- Chair Wardle opened the public hearing. No public comments were received, and the public hearing was closed.
- Following the public hearing, Andy Jenkins, speaking on behalf of Cooper Jenkins, discussed the difficulty local businesses face recruiting and retaining employees due to housing costs and said the proposed units would provide housing for local workers while utilizing unfinished space in the building.

Motion by Commissioner Nokes: “I'd like to make a motion we recommend approval of the proposal of establishing six workforce housing units within the existing commercial building at 41 West Main Street, which is zoned currently C-2. Approval of this project is contingent upon the city adopting a legislative development agreement. I'd also propose that we recommend the approval with the findings in support and the recommendations from staff.

I'd like to amend the motion to include an occupancy restriction based on building code and square footage. Some of those units are smaller than others, so those units would be limited to two people, or whatever the building code allows, and maybe some of the bigger ones would allow three people. I think we need to research what the building code would allow as far as occupancy and get that in front of City Council to consider.”

Second: Commissioner Farrell

Ayes: Commissioners: Nokes, Farrell, Facer, Winegar, Dougherty

Nays: None

Motion: Passed

Item 3: C-2 & C-3 Zone Map Amendment

Midway City proposed amending the zoning map to rezone certain properties from C-2 to C-3, expanding the C-3 commercial core south of Main Street around the Town Square area.

Discussion:

- The proposal grew out of the General Plan update and subsequent review of the C-2 and C-3 zones. The amendment would expand the C-3 zone and reduce the C-2 zone but would not expand the overall commercial area or affect residential zoning.
- The C-3 zone is intended to create a more compact, walkable commercial core around Town Square, while the C-2 zone provides a more open setting with greater setbacks, landscaping, and limits on impervious surfaces. Uses in the two zones are generally similar, although C-3 is somewhat more restrictive.
- Commissioners discussed how the zoning change would affect existing properties and future redevelopment. Staff indicated that no major impacts to existing uses had been identified and explained that existing legal nonconforming uses could continue unless the use ceased for more than one year.

Findings

- The proposed zone map amendment complies with and implements the specific goals and guidelines of the Midway City General Plan, specifically the Main Street Goals and Guidelines.
- The map amendment satisfies the General Plan's goal to consider Main Street as two distinctly designed areas by formalizing the geographic boundaries between the compact town center and the surrounding rural corridor.

Public Comment:

- John Clarkson, a nearby resident, expressed concern about commercial zoning and the potential transition of residential properties to commercial uses. Staff clarified that the proposal does not expand the commercial zone but changes the boundary between the existing C-2 and C-3 zones, with the C-3 standards intended to guide future development.

Motion by Commissioner Facer: "I'll make a motion that we move forward with the zoning amendment of the C-2 and C-3 zones. The amendment will rezone certain properties within the C-2 zone to the C-3 zone as described by staff, and recommend with the possible findings in support suggested by staff."

Second: Commissioner Winegar

Ayes: Commissioners Facer, Winegar, Nokes, Dougherty, Farrell

Nays: None

Motion: Passed

Item 4: Conditional Use Permit (CUP) – Nightly Rental

Mark Nelson, owner of the property at 70 West 100 South, requested a Conditional Use Permit (CUP) to allow the property to be used for nightly rentals. The property is located in the R-1-7 zone.

Discussion:

- The property was within the Transient Rental Overlay District (TROD) when the application was submitted. Although the property has since been removed from the TROD, the completed application is vested under the zoning regulations in effect at the time it was submitted.
- Nightly rentals in residential zones require a CUP and reasonable conditions may be imposed to mitigate potential impacts on neighboring properties.
- The property has a two-car garage and two additional vehicles would be allowed outside. Based on the number of bedrooms, **occupancy would be limited to 12 people.**
- Commissioner Wardle asked whether prior illegal nightly rental activity could affect an application. Staff indicated that the question would require consultation with the City Attorney.

Findings

- The proposed use is conditionally permitted and is consistent with the General Plan.
- The proposed use appears to comply with applicable state, federal, and Midway City regulations, with no significant negative environmental impacts identified.
- The design, location, size, and operating characteristics of the proposed use are compatible with the surrounding area and are not expected to create significant noise, traffic, or other detrimental impacts.

- The site is physically suitable for the proposed use, with adequate provisions for access, utilities, and public services.
- The property was within Midway's Transient Rental Overlay District (TROD) when the application was submitted, and the proposed use is subject to applicable City licensing, nuisance, lighting, signage, and inspection requirements.

Public Comment:

- John Clarkson expressed concern about the effect of nightly rentals on the residential character of the neighborhood, including parking and traffic impacts, and asked for clarification regarding the availability of conditional use permits.

Motion by Commissioner Farrell: "I'll make the motion that we go ahead and approve the conditional use permit on the Nelson property with the conditions and findings outlined by the staff."

Second: Commissioner Nokes

Ayes: Commissioners Farrell, Nokes, Facer, Dougherty

Nays: Commissioner Winegar

Motion: Passed

Item 5: Conditional Use Permit (CUP) – Nightly Rental

Darin Heckel, owner of the property at 60 West 100 South, requested a Conditional Use Permit (CUP) to allow the property to be used for nightly rentals. The property is located in the R-1-7 and C-2 zones.

Discussion:

- The property was within the TROD when the application was submitted. Staff explained that most of the property has since been removed from the TROD, but the application is vested under the code in effect when it was submitted. A small commercially zoned portion of the property remains within the TROD.
- The proposed **maximum occupancy is 12 people** based on the number of bedrooms.
- Chair Wardle asked about the timing of the applications in relation to the TROD boundary changes. Staff stated that notices regarding proposed changes had been issued but could not determine what the applicants knew at the time they applied.

Findings

- The property is located within the R-1-7 and C-2 zones and was within the Transient Rental Overlay District (TROD) when the application was submitted.
- A portion of the property remains within the TROD due to its commercial zoning.

Public Comment:

- John Clarkson expressed concern about the effect of nightly rentals on the residential character of the neighborhood, including parking and traffic impacts, and asked for clarification regarding the availability of conditional use permits.

Motion by Commissioner Facer: “I make a motion that we accept a conditional use permit of the property located at 60 West 100 South, to be used for nightly rentals that is located in the R-1-7 / C-2 zones and falls within the TROD, along with the proposed condition of the occupancy max of 12 people.”

Second: Commissioner Dougherty

Ayes: Commissioners Facer, Dougherty, Farrell, Nokes

Nays: Commissioner Winegar

Motion: Passed

Item 6: Conditional Use Permit (CUP) – Nightly Rental

Scot and Jan Lythgoe, owners of the property at 85 South 100 West, requested a Conditional Use Permit (CUP) to allow the property to be used for nightly rentals. The property is located in the R-1-7 zone.

Discussion:

- The property was within the TROD when the application was submitted but has since been removed. The application is vested under the zoning regulations in effect when submitted.
- The four-bedroom property has a proposed **maximum occupancy of 10 persons** and, because it does not have a garage, would be limited to two vehicles.

Findings

- The property is located in the R-1-7 zone and was within the Transient Rental Overlay District (TROD) when the application was submitted.

Public Comment:

- John Clarkson expressed concern about the effect of nightly rentals on the residential character of the neighborhood, including parking and traffic impacts, and asked for clarification regarding the availability of conditional use permits.

Motion by Commissioner Dougherty: “I move that the Commission approve the conditional use permit for short-term rental for Lythgoe, located at 85 South 100 West, with any conditions that are recommended by staff. Maximum of 10 people.”

Second: Commissioner Farrell

Ayes: Commissioners Facer, Dougherty, Farrell, Nokes

Nays: Commissioner Winegar

Motion: Passed

Item 7: Conditional Use Permit (CUP) & Local Consent – Zermatt Alcohol Dispensing

Hector Moreno, agent for Alpenhaus Management LLC, owned by Mark Harris, requested a Conditional Use Permit (CUP) and Local Consent for alcohol dispensing at the Zermatt Resort, located at 784 West Resort Drive in the Resort Zone.

Discussion:

- The Zermatt has historically been licensed to serve alcohol, and no changes to its existing alcohol service are proposed. A new CUP and Local Consent are required due to the change in ownership.
- The existing conditions would remain in place, including restrictions on alcohol-related signage visible from outside the building and compliance with Midway City Code. Staff indicated there are no known violations or complaints related to the Zermatt's alcohol licensing.
- Chair Wardle asked whether the application included the bakery. Staff and the applicant confirmed that it did not.

Findings

- The proposed alcohol dispensing use is consistent with the existing use of the Zermatt Resort and the Resort Zone.
- No significant adverse impacts were identified, with no known violations or complaints related to the Zermatt's alcohol licensing.
- The applicant is required to comply with applicable City and State alcohol licensing requirements and the conditions of approval.

Motion by Commissioner Nokes: "I move that we recommend approval for the conditional use permit for Hector Moreno, agent for Alpenhaus Management LLC, owned by Mark Harris, for the conditional use permit. Local consent for an alcohol dispensing establishment (CUP) will be required because of an ownership change. The Zermatt Resort currently has bar, restaurant, and banquet licenses, so recommend approval with the proposed conditions from staff."

Second: Commissioner Winegar

Ayes: Commissioners Nokes, Facer, Winegar, Dougherty, Farrell

Nays: None

Motion: Passed

Motion to adjourn: Commissioner Facer

Adjournment at 7:51 PM



Laura Wardle – Chair



Melissa Jones – Planning Asst.