Midway City Council
18 June 2019
Regular Meeting

Bonner Meadows /
Final Approval

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING:	June 18, 2019
NAME OF PROJECT:	Bonner Meadows (formerly Lucerne Estates)
NAME OF APPLICANT:	Berg Engineering
AGENDA ITEM:	Final Approval
LOCATION OF ITEM:	100 South 100 East
ZONING DESIGNATION:	R-1-9

ITEM: 13

Berg Engineering, agent for Johnsons Landing LLC, is requesting final approval of Bonner Meadows (formerly known as Lucerne Estates.) The proposal is for a 14-lot subdivision that is 4.77 acres and is in the R-1-9 zone. The property is located at approximately 149 South 100 East.

BACKGROUND:

This request is for final approval of Bonner Meadows (formerly known as Lucerne Estates) a large-scale subdivision on 4.77 acres and will contain 14 lots. Preliminary approval from the City Council was granted on March 14, 2018 and a year extension of that approval was granted by the City Council on March 19, 2019. Most of the proposed lots in the subdivision will obtain frontage along new roads built within the subdivision (100 South and 180 East) and four lots will front the existing 100 East. The property is in the R-1-9 zones which allows single-family dwellings and duplex dwellings (duplex lots require more frontage, acreage, and water rights than single-family lots). None of the lots comply with the code requirements for duplexes because first, all the lots have only 0.8-acre feet of water which is enough for one culinary connection, second all the lots do not have both the required frontage and acreage for duplexes.

This R-1-9 zone does not require open space, so no open space has been included in the proposal. The parcel is located close to Main Street where many services are located. It is also close to the Midway Elementary School and a church. The property has historically been used for agricultural. The sidewalks and the park strips in the development will both be 5' wide. The new sidewalks will greatly help the movement of pedestrians, especially school children, in the area with the added sidewalks. Children use 200 East to access school which does not have sidewalk, now children will be able to use the new 5' sidewalks in the proposal which will allow a safer walk to school. The developer has included a 5' trail that will run from the end of the cul-de-sac to 185 South that will become school property.

The General plan describes the R-1-9 zone as the following:

> *The R-1-9 zone (9,000 sf lot) provides a residential environment within the City which is characterized by smaller lots and somewhat denser residential environment than is characteristic of the R-1-11 Zone. Nevertheless, this zone is characterized by spacious yards and other residential amenities adequate to maintain desirable residential conditions. The principal uses permitted in this zone shall be one and two-family dwellings and certain other public facilities needed to promote and maintain stable residential neighborhoods. This zone should be planned with an emphasis on walkability.*

This proposal was noticed for two weeks in the Wasatch Wave, it was posted in three locations in Midway, and it was noticed on the State's webpage and the City's webpage.

LAND USE SUMMARY:

- 4.77-acre parcel
- R-1-9 zoning
- Proposal contains 14 lots
- Only single-family dwellings will be allowed
- Access from 100 South and 100 East
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

ANALYSIS:

Access – Access will be from 100 South, 100 East and 180 East. The proposed 100 South will access 200 East north of lot 17 of the Timpanogos View Estates where the City owns a 60' wide area that was deeded to the City for a future road when the Timpanogos View Estates plat was recorded in August of 1973.

Single-family dwellings – Only single-family dwellings will be allowed on all 14 lots even though the R-1-9 zone does allow duplexes. The reason no duplexes are allowed is because none of the lots comply with the code requirements for duplexes because first, all the lots have only 0.8-acre feet of water which is enough for one culinary connection, second all the lots do not have both the required frontage and acreage for duplexes. A note should be included on the plat advising future lots owners of the limitation.

Sidewalks and connectivity – The developer will install 5' sidewalks throughout the development. The new sidewalks will greatly help the movement of pedestrians, especially school children, in the area with the added sidewalks. Many children use 200 East to access school which does not have sidewalk, now children will be able to use the new 5' sidewalks in the proposal which will allow a safer walk to school. The developer has included a 5' trail that will run from the end of the cul-de-sac to 185 South that will become school property.

City and School District agreement of 185 South – The City and the Wasatch School District agreed to a property exchange in 2017 that allowed for the construction of Michie Lane (300 South). The agreement was that the school district would deed Michie Lane to the city to allow for construction of the road if the City, at a future date, would deed 185 South to the school district. The catalyst for deeding 185 South was determined to be when 100 South is built which, is part of the proposed Bonner Meadows subdivision. Basically, the City agreed to vacate one road if two new roads were in service. The deeding of 185 to the school district will allow the school to have flexibility regarding future plans for Midway Elementary and its surrounding property. Once 100 South is built and deeded to the City then the City will need to follow the process, as outlined in the State code, to vacate the road and then deed it to the school district.

Water Connection – The lots will connect to water lines that will be built by the developer and connect to the City's water lines in the area.

Sewer Connection – The lot will connect to Midway Sanitations District's sewer lines located in the area.

Secondary Water Connection – The lots will connect to Midway Irrigation Company's secondary which is already servicing the property. Laterals will be created for all 14 lots. Secondary water meters are required for each lateral.

Geotechnical report – The applicant has submitted a geotechnical study and is available for review at the planning office.

Traffic study – A traffic study is not required for this proposal since there are less than 15 lots proposed.

100 East construction – One of the main routes to access Midway Elementary is 100 East. Buses, vehicles carrying students, and pedestrians and students all access the school along this route. Staff feels it is very important that construction for 100 East takes place in the summer before school begins for safety concerns. The other roads in the subdivision (100 South and 180 East) do not present the same safety issues that 100 East presents since they are new roads and therefore should not have the same construction timing restriction. It is recommended that as condition of approval, any construction on 100 East takes place before school starts in the fall.

WATER BOARD RECOMMENDATION:

This item was reviewed by the Water Board on February 6, 2017. The board recommended that 17.6-acre feet of water are tendered to the City before the plat is recorded. This calculation is based on single-family dwellings constructed on each lot.

PLANNING COMMISSION RECOMMENDATION FOR FINAL APPROVAL:

Motion: Commissioner O'Toole: I make a motion of final approval of Bonner Meadows (formerly known as Lucerne Estates.) The proposal is for a 14-lot subdivision that is 4.77 acres and is in the R-1-9 zone. The property is located at approximately 149 South 100 East. That we accept staff findings and analyses with the added note that will remain on the plat that this will always be a single-family dwelling lots only.
Second: Commissioner Nicholas
Chairman Kohler: Any discussion on the motion?
There was none
Chairman Kohler: All in favor.
Ayes: Commissioners: Streeter, Payne, O'Toole, Nicholas, Bouwhuis (Alternates Whitney and McKeon-no vote needed)
Nays: None
Motion: Passed

POSSIBLE FINDINGS:

- The proposal does meet the intent of the General Plan for the R-1-9 zoning district
- The proposal does comply with the land use requirements of the R-1-9 zoning district
- The sidewalks crossing the property and connecting to neighboring roads and existing sidewalks will benefit the community by allowing safe pedestrian access.

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council feels 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 City Council feels 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 feels that the request does not meet the intent of the ordinance.

    a. Accept staff report
    b. List accepted findings
    c. Reasons for denial

RECOMMENDED CONDITION:

1. Any construction on 100 East takes place before school starts in the fall.

728 West 100 South
Heber, UT 84032
www.horrocks.com

HORROCKS
ENGINEERS

Heber Office
Tel: 435.654.2226
Fax: 435.657.1160

May 14, 2019

Midway City
Attn: Michael Henke
75 North 100 West
Midway, Utah 84049

Subject: Bonner Meadows Subdivision, – Final Approval

Dear Michael:

Horrocks Engineers recently reviewed the Bonner Meadow subdivision plans for Final approval. The proposed subdivision is located at approximately 100 South and 180 East just north of the Midway Elementary School. The proposed subdivision consists of 14 lots. The following issues and red-line comments should be addressed.

General Comments

- The roads, culinary water, and storm drain systems within this development will be public infrastructure and maintained by Midway City.

Water

- The proposed development will be served from the Gerber Mahogany pressure zone.
- The proposed development will connect to the existing 12" culinary water line in 100 East and the existing 6" culinary water line in 200 East.
- 8" water lines will be installed within the development. The proposed culinary water system will provide adequate fire flows.

Roads

- A new road is proposed to be installed on 100 South from 100 East to 200 East. All new roads within the subdivision will have a cross section of 30' of asphalt, modified curb & gutter, a 5' park-strips and 5' sidewalks.

Storm Drain

- The storm water within the proposed development will be collected and dispersed through the use of catch basins, sumps, and a retention basin.
- For maintenance, a utility easement within 185 South should be provided to maintain access to the storm drain retention basin and sumps.

Please feel free to call our office with any questions.

Sincerely,
HORROCKS ENGINEERS

Wesley Johnson, P.E.
Midway City Engineer

cc: Paul Berg Berg Engineering

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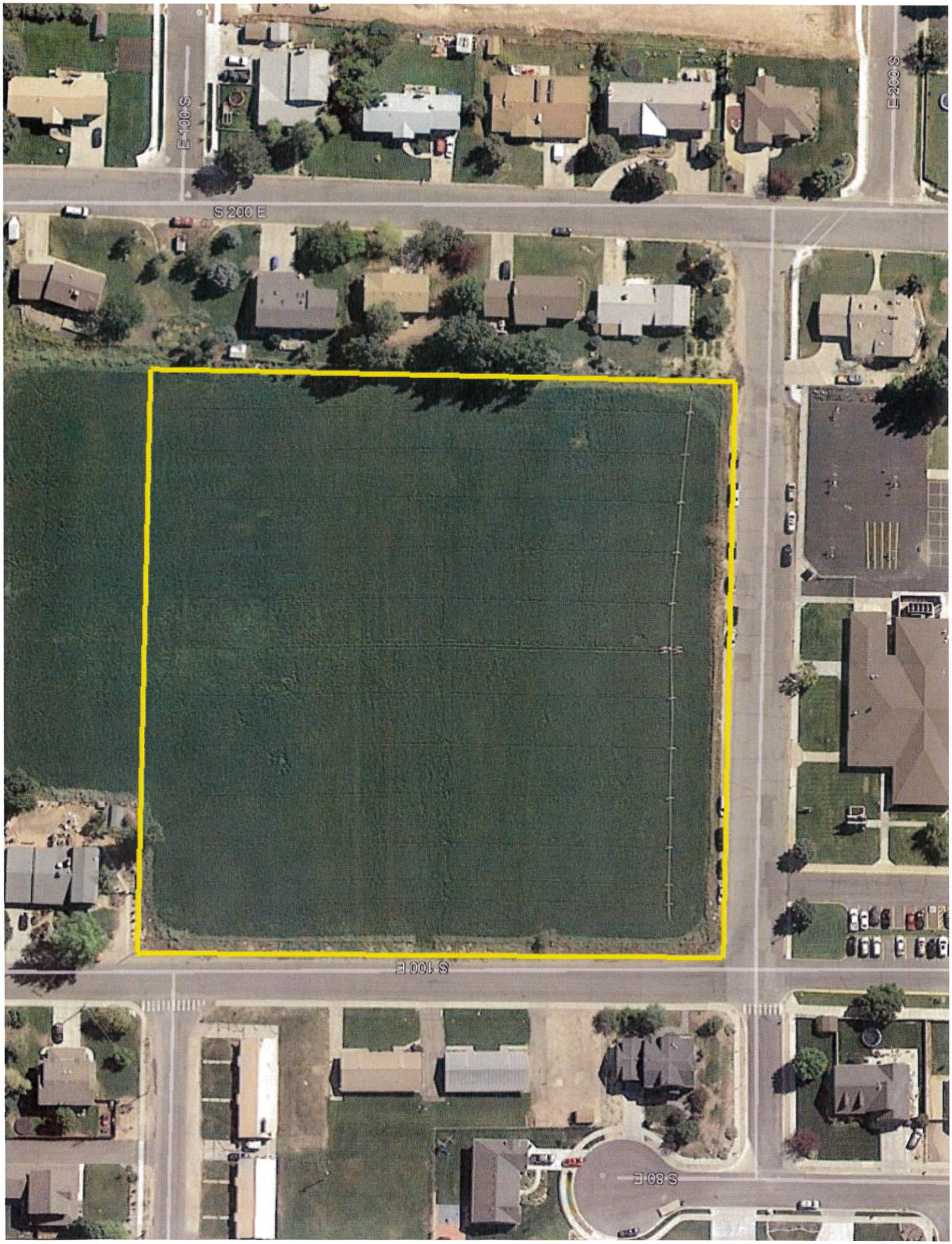
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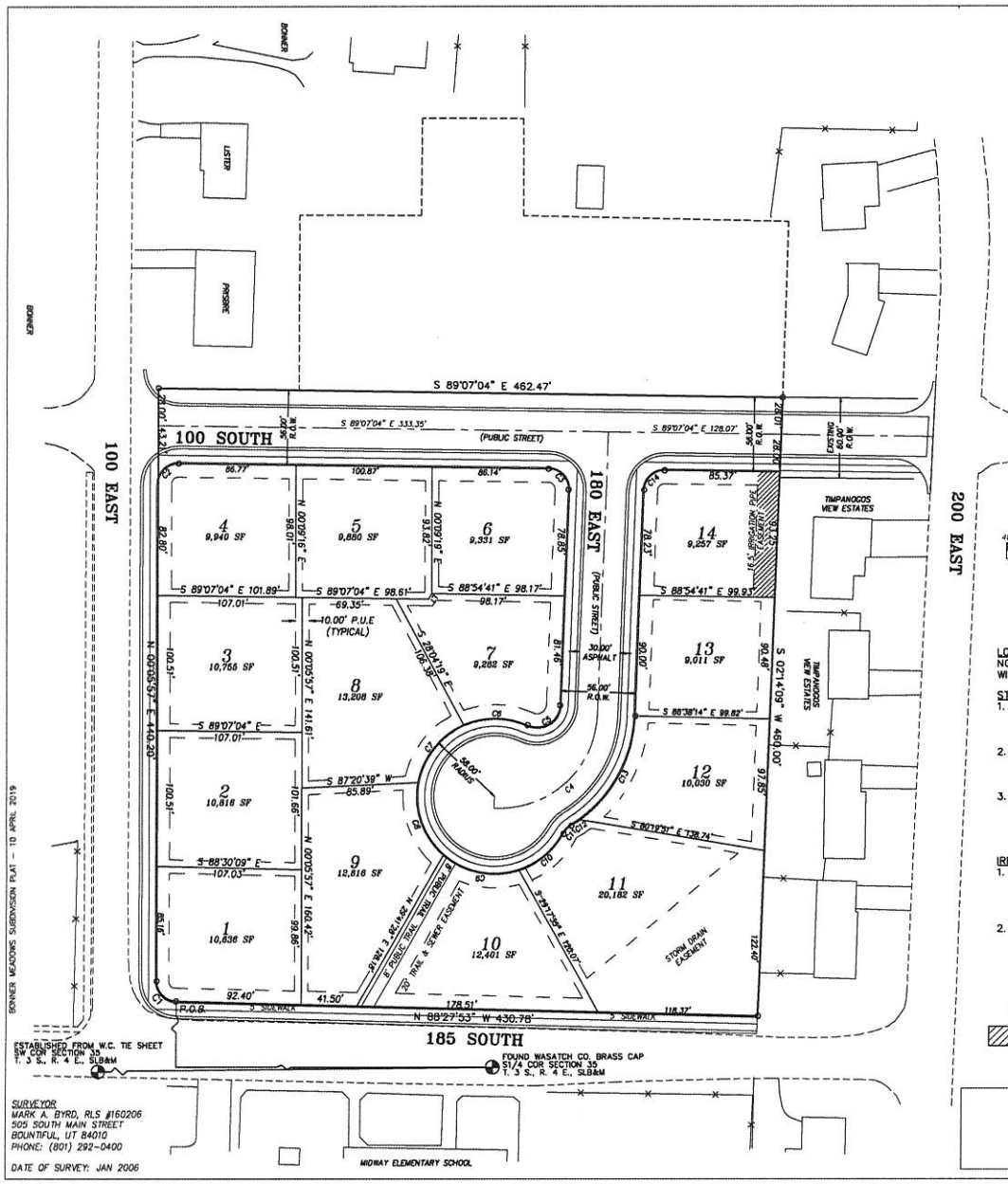

SURVEYOR:
MARK A. BYRD, RLS #160206
505 SOUTH MAIN STREET
BOUNTIFUL, UT 84010
PHONE: (801) 292-0400

DATE OF SURVEY: JAN 2006

BASIS OF BEARING

NORTH 89°54'33" EAST – BEING THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, CITY OF MIDWAY, WASATCH COUNTY, UTAH, SHOWN ON A DEPENDENT RESURVEY OF PORTIONS OF TOWNSHIP 3 SOUTH, RANGE 4 EAST, S.L.B.&M. AS FILE NUMBER OWC-034-001-0-0731 ON FILE IN THE W.C. SURVEYORS OFFICE

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	23.19'	15.00'	88°33'50"	20.95'	N 44°10'58" W
C2	23.77'	15.00'	90°46'59"	21.36'	N 45°29'26" E
C3	23.90'	15.00'	91°17'35"	21.45'	S 43°28'16" E
C4	114.92'	72.00'	91°26'59"	103.10'	S 47°54'01" W
C5	33.36'	17.00'	112°25'09"	28.26'	S 58°23'06" W
C6	48.76'	58.00'	48°09'54"	47.33'	N 89°29'17" W
C7	56.73'	58.00'	56°02'12"	54.49'	N 38°24'40" E
C8	60.00	58.00	59°16'15"	57.36'	S 19°14'33" E
C9	60.00	58.00	59°16'19"	57.36'	S 78°30'50" E
C10	43.55	58.00'	43°01'14"	42.53'	N 50°20'24" E
C11	8.71'	17.00'	29°20'43"	8.61'	N 43°30'08" E
C12	7.73	100.00'	04°25'54"	7.73'	N 55°57'33" E
C13	90.00'	100.00'	51°34'04"	86.99'	N 27°57'35" E
C14	23.22	15.00'	88°42'25"	20.97'	N 46°31'44" E

LINE TABLE

LINE	LENGTH	BEARING
L1	4.73'	S 28°35'25" W

N

40' 0 40' 80' 120'
Scale 1" =40'

LEGEND

● SURVEY MONUMENT
SM

ADDRESS TABLE

LOT	ADDRESS
1	165 SOUTH 100 EAST
2	149 SOUTH 100 EAST
3	131 SOUTH 100 EAST
4	114 EAST 100 SOUTH
	115 SOUTH 100 EAST
5	130 EAST 100 SOUTH
6	150 EAST 100 SOUTH
	114 SOUTH 160 EAST
7	136 SOUTH 180 EAST
8	158 SOUTH 180 EAST
9	160 SOUTH 180 EAST
10	155 SOUTH 180 EAST
11	151 SOUTH 180 EAST
12	141 SOUTH 180 EAST
13	129 SOUTH 180 EAST
14	170 EAST 100 SOUTH
	115 SOUTH 160 EAST

LOT 1, 9, 10 & 11 DRIVEWAY NOTE:
NO DRIVEWAY ACCESS ONTO 185 SOUTH WILL BE ALLOWED FOR LOTS 1, 9, 10 & 11.

STORM DRAIN EASEMENT NOTES:
1. THE STORM DRAIN EASEMENT ON LOT 11 IS DEDICATED TO MIDWAY CITY FOR MAINTENANCE, OPERATION, ETC. OF THE STORM DRAIN SYSTEM.
2. OWNER OF LOTS 11 SHALL NOT INTERFERE WITH OR CHANGE THE FUNCTION OR ELEVATION OF THE STORM DRAIN POND.
3. LOT OWNER SHALL MAINTAIN THE GRADING AND LANDSCAPING OF THE POND. NO LANDSCAPING SHALL INTERFERE WITH THE FUNCTION OF THE POND.

IRRIGATION PIPE EASEMENT NOTES:
1. THE IRRIGATION PIPE EASEMENT ON LOT 11 IS DEDICATED TO MIDWAY IRRIGATION COMPANY FOR MAINTENANCE, OPERATION, ETC. OF THE IRRIGATION SYSTEM.
2. OWNERS OF LOTS 14 SHALL NOT INTERFERE WITH OR CHANGE FUNCTION OF THE IRRIGATION PIPE.

LEGEND

▨ IRRIGATION PIPE EASEMENT

COUNTY RECORDER

SURVEYOR'S CERTIFICATE

I, MARK A. BYRD, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 160206 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREET AND EASEMENTS.

DATE _____ SURVEYOR _____ (SEE SEAL BELOW)

BOUNDARY DESCRIPTION

BEGINNING AT A POINT WHICH IS SOUTH 733.34 FEET AND EAST 2130.67 FEET FROM THE SOUTH QUARTER CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN;

THENCE ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE TO THE RIGHT 23.19 FEET (CENTRAL ANGLE OF 88°33'50" AND CHORD OF NORTH 44°10'58" WEST 20.95 FEET);

THENCE NORTH 00°05'57" EAST 440.20 FEET;
THENCE SOUTH 89°07'04" EAST 462.47 FEET;
THENCE SOUTH 02°14'09" WEST 460.00 FEET;
THENCE NORTH 88°27'53" WEST 430.78 FEET TO THE POINT OF BEGINNING.

CONTAINING: 4.76 ACRES

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC STREETS, AND EASEMENTS, AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE DECLARATION HEREBY DEDICATE THOSE AREAS LABELED AS PUBLIC STREETS AND EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS _____ DAY OF _____, A.D. 20____

BY: _____
MATRIX CAPITAL ADVISORS

ACKNOWLEDGMENT

STATE OF UTAH
COUNTY OF WASATCH } S.S.

ON THE _____ DAY OF _____ A.D. 20____ PERSONALLY APPEARED BEFORE ME, _____ WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME IN THE CAPACITY INDICATED.

MY COMMISSION EXPIRES _____ _____
NOTARY PUBLIC

ACCEPTANCE BY MIDWAY CITY

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS-OF-WAY HEREON SHOWN.

THIS _____ DAY OF _____ A.D. 20____

APPROVED _____ ATTEST _____
MAYOR CLERK-RECORDER (SEE SEAL BELOW)

APPROVED _____ APPROVED _____
CITY ENGINEER (SEE SEAL BELOW) CITY ATTORNEY

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____ BY THE _____ CITY PLANNING COMMISSION
MIDWAY

_____ _____
PLANNING DIRECTOR CHAIRMAN, PLANNING COMMISSION

BONNER MEADOWS SUBDIVISION

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH

SCALE: 1" = 40 FEET

DATE: _____
WASATCH COUNTY SURVEYOR

DATE: _____
MIDWAY IRRIGATION COMPANY

DATE: _____
MIDWAY SANITATION DISTRICT

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL