

Midway City Council  
23 April 2019  
Regular Meeting

Scotch Fields PUD, Phases 3 and  
4 / Preliminary Approval



## CITY COUNCIL MEETING STAFF REPORT

**DATE OF MEETING:** April 23, 2019

**NAME OF PROJECT:** Scotch Fields PUD

**NAME OF APPLICANT:** Probst Enterprises and Dennis Higley

**AGENDA ITEM:** Phases 3 & 4 Preliminary

**LOCATION OF ITEM:** West of Valais along Canyon View Road

**ZONING DESIGNATION:** RA-1-43

### **ITEM: 7**

Berg Engineering, agent for Probst Higley Developers LLC, is requesting Preliminary Approval for Phase 3 and Phase 4 of the Scotch Fields PUD a large-scale planned unit development. The proposal is for 48 units located on 20.83 acres. The proposal is located west of Valais and is in the RA-1-43 zone.

### **BACKGROUND:**

Probst Enterprises and Dennis Higley are proposing preliminary approval of phases 3 and 4 of Scotch Fields PUD. The original master plan was approved August 12, 2015 and contained five phases. Phases 2 and 3 were later combined into phase 2 so the phases for this application were originally phases 4 and 5 but they will be titled phases 3 and 4 for this application and on the plats.

Phases 3 and 4 encompass 20.83 acres and contain 48 units. The property will be developed as a Planned Unit Development (PUD) and is similar to the Valais PUD to the east. The two phases contain 7.53 acres of open space while the entire master plan contains 27.5 acres of open space. These phases contain both public and private roads. The public road is Canyon View Road that extends to the northern boundary of the development. There is also a private road that will act as the access for all the building

pads in both phases. There will also be a mix of public and private trails throughout phases 3 and 4. The trail that parallels Canyon View Drive will be a public trail while the trails in the common area will be private trails. There are sensitive lands in this phase which are the areas of slope greater than 25%.

**LAND USE SUMMARY:**

- 20.83 acres
- RA-1-43 zoning
- Proposal contains 48 building pads
- Project is a Planned Unit Development
- Public roads will be the responsibility of the City
- Private roads will be the responsibility of the HOA
- The HOA has been formed and phases 4 and 5 will also become part of this same organization and subject to the same CCRs
- The lots will connect to the Midway Sanitation District sewer and to the City’s water line.
- 8’ paved public trail is planned along Canyon View Road will be built by the developer.
- Sensitive in phases 4 and 5 include sloped area greater than 25%

**ANALYSIS:**

*Open Space* –Below is the open space table for all four phases:

| Phase | Units | Total Area         | Open Space        | Total Project Open Space |
|-------|-------|--------------------|-------------------|--------------------------|
| I     | 1-17  | 18.10 acres        | 11.85 acres       | 69.42%                   |
| II    | 18-41 | 16.31 acres        | 8.12 acres        | 58.67%                   |
| III   | 42-51 | 4.09 acres         | 1.65 acres        | 56.18%                   |
| IV    | 52-89 | <u>16.74 acres</u> | <u>5.88 acres</u> | <u>50.00%</u>            |
| Total |       | 55.01 acres        | 27.50 acres       | 50.00%                   |

As shown in the chart above, the open space requirements are met for each phase and for the entire subdivision.

*Access/roads* – Phases 3 and 4 will have two access points which comply with the requirements of the code. Canyon View Road is shown on the City’s Master Road Plan and therefore will be a public road maintained by the City. The right-of-way will be 56’ with 30’ of pavement. The west loop road will be a private road and will be maintained by the HOA. On the areas with sidewalks, there will be a 5’ park strip and the width of the sidewalk will also be 5’.

There is a section of Canyon View Road that is not on the developer’s property. That section is owned by Jared and Kurt Wilson Farm LLC. The property for this section of road will need to be deeded to the City in order for Canyon View Road to count as a point of access. The applicant will need to work with the Wilsons to make arrangements for the property to be deeded to the City. Staff is recommending that an agreement is reached between the two parties before preliminary approval is granted for the two phases.

*Water* – the developers met with the Water Board on June 1, 2015 and received a recommendation regarding water requirements. The recommended water requirement for phases 4 and 5 is 63.96-acre feet. This calculation will supply the 49 culinary connections (48 dwellings and a clubhouse) and the irrigated areas of phases 4 and 5. This calculation is based on Water Board’s minutes for the April 6, 2015 and June 1, 2015 meetings. The Water Board recommended a total of 143.46-acre feet for the entire project. Since that recommendation, 4.68 acres of irrigated area were added to the landscaping plan which equals 14.04-acre feet of water. Also, the developer would like to remove the clubhouse with its culinary connection from the plans which would reduce the water requirement by 0.8-acre feet. Phases 1, 2, and 3 required 60.52-acre feet (61.5-acre feet were tendered to the City) which left a total of 81.96-acre feet that would be required for the last two phases. Also included in the recommendation was an adjustment of 0.2 per culinary connection because of an amendment to a pending City ordinance that adjusted the water requirement for a culinary connection from 1-acre foot to 0.8 per culinary connection. That amendment did take place a few months later therefore allowing a credit for the first three phases and an adjustment in the last two phases. That adjustment is 18-acre feet leaving the total 77.2-acre foot requirement for phases 4 and 5.

*Clubhouse*- The approved master plan includes a clubhouse that is in phase 5 and would be accessed from Canyon View Road. The developer would like to remove the clubhouse. Staff has concerns with removing the clubhouse. Most of the pads in phase 1 and some of the pads in phase 2 have been sold to property owners that may be expecting a clubhouse. Its staff’s opinion that the City Council would need to agree to remove the clubhouse for the clubhouse to be removed.

*Unit setbacks* - All units along the private road must have a 25’ setback from the back of curb which is allowed on private roads in PUDs. All units will also have a minimum 30’ setback from all peripheral property lines of the PUD.

*Sensitive lands* – The property does contain some slopes greater than 25%. This area does not contain any building pads and will be left natural.

*Midway Sanitation District* - the developers have met with the Sewer Board to determine the requirements regarding sewer connection to Midway Sanitation District's lines.

*Geotechnical report* - Staff has received two geotechnical reports for the property and has them on file.

*Density determination* – The developer has received approval for 89 units in the development, though the maximum allowed density would have been 96 units. For a PUD, a developer received 1.5 units (this number has since been adjusted to 1.25 but this application is vested with 1.5) for every acre based on gross acreage (no subtraction of property in roads). The total for this calculation is 82.52 units. They have also asked for a density bonus based on using architectural elements described in the code. The maximum density that could be received is .25 of a unit for every acre of ground which equals 13.75 units. The developer has asked for bonus of 6.48 units based on architecture. The Visual and Architectural Committee has reviewed the proposal and recommends the developer receive the density bonus for a total of 89 units in the PUD. Since the master plan was approved the City did remove the provision for a density bonus for architecture but this application is vested before that change occurred.

*Height of structures* – The height of all structures in the development will comply with Section 16.13.10 of the City Code. Some fill has been deposited on some localized areas of the property, but height is measured from natural grade and not from the elevation of the fill that has been deposited. The applicant has submitted contour and elevation information of the property with the preliminary and final plan submittals. All future elevation certificates will need to be based on that information and not on existing grade on site.

*Flexibility with platting* – The developer would like to have some flexibility regarding the recording of the plats in phase 3 and 4. The developer would like to record the units in phases 3 and 4 in multiple plats. There are several issues that are considered when phasing plans are proposed which include road circulation and length, open space requirements, and dedication of water to the City. The developer is proposing that he would have the ability to build phase 3 as presented with no more than 11 units and a temporary turnaround but when any more units are requested in the area of phase 4, the entirety of the loop road would be built which includes Canyon View Road and the western road. He would dedicate all required water to the City and all required open space would be dedicated with the recording of the first plat in phase 4. By building the entirety of the road, dedicating all required open space, and dedicating all the required water for the all of phase 4, the main issues that the City considers would not be a concern. The developer could then record several plats, as needed, without taking on as much risk and would also avoid some taxes until each plat is

recorded. This is a new type of proposal that has not happened in Midway to staff's knowledge. Other cities such as Heber have taken this approach and it appears that this system has worked there. This would be a precedent setting issue if allowed and staff thinks other developers would like to record plats in the same manner. Also, staff is concerned about the added administrative time and work that recording multiple plats per phase will create. If the Council would like to entertain this petition then staff suggests the following course of action: First, the code should be amended to regulate the details of recording multiple plats in one phase. Staff has analyzed some scenarios that could create problems and a code would help avoid those problems. Second, staff feels that administrative time per phase will increase substantially so there should be an application and fee associated with this option that would need to be paid to handle the extra time that would be required. Therefore, if the applicant would like to pursue this proposal, a code text amendment should be submitted to start the process for the amendment. Also, the City would need to create an application and the fee schedule would need to be adjusted to cover the additional costs.

**MIDWAY WATER ADVISORY BOARD RECOMMENDATION:**

The recommended water requirement for phases 4 and 5 is 77.2-acre feet. This calculation will supply the 48 culinary connections and the irrigated areas of phases 4 and 5. This includes removing the culinary connection for the clubhouse.

**PLANNING COMMISSION RECOMMENDATION:**

**Motion:** Commissioner Nicholas: I recommend approval of Preliminary Approval for Phase 3 and Phase 4 of the Scotch Fields PUD a large-scale planned unit development. The proposal is for 48 units located on 20.97 acres. The proposal is located west of Valais and is in the RA-1-43 zone. We accept the staff report and staff findings with the two conditions in the staff report and other condition that the landscaping should blend in with the Valais landscaping, and that all of the property owners in Phases 1 and two should be notified of the proposed change to the clubhouse and have a chance to give their input and presented to City Council. And the agreement with the Wilsons with regards to the extension of Canyon View Road.

**Second:** Commissioner O'Toole

**Chairman Kohler:** Any discussion on the motion?

**There was none**

**Chairman Kohler:** All in favor.

**Ayes:** Commissioners: Payne, Nicholas, O'Toole, McKeon, Whitney and Streeter

**Nays: None**

**Motion: Passed**

**PROPOSED FINDINGS:**

- The proposal appears to meet the requirements of the code for PUDs.
- The proposal does meet the vision of the area as described in the General Plan for the RA-1-43 zone.
- A public Trail will be built by the developer that will be an amenity to the entire community.
- The developer is proposing to remove the clubhouse from phase 5.

**ALTERNATIVE ACTIONS:**

1. Approval (conditional). This action can be taken if the City Council feels the application meets the requirements of the code and the approved master plan.
  - 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 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

**PROPOSED CONDITIONS:**

1. The clubhouse, as discussed in the master plan, must be built in phase 5 unless the City Council agrees to the developer's proposal to remove the amenity.
2. An agreement must be reached with the Wilsons before preliminary approval is granted. The agreement must include a provision that the property for Canyon View Road, located on the Wilson's property, is deeded to the City before the plat is recorded for phase 4.
3. The landscaping between Canyon View Road and Valais will be manicured like most of the landscaping in phases 3 and 4. Also, the landscaping along the northern area of phase 4 will also be manicured to better tie in with surrounding properties and their existing and future landscaping.

March 12, 2019

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

**Subject: Scotch Fields PUD, Phase 3 and 4 – Preliminary Review**

Dear Michael:

Horrocks Engineers recently reviewed the Scotch Fields PUD Phase 3 & 4 plans for the Final Approval. The following issues should be addressed.

**General Comments**

- Phase 3 contains 10 units and Phase 4 contains 38 units, for a total of 48 units.

**Water**

- The proposed development will be served from the Cottages on the Green pressure zone. The proposed phases will connect to the existing water line within Phase 2

**Roads**

- The proposed road within Phase 3 will be a private road. The extension of Canyon View road within phase 4 will be public roads constructed within the 56' right-of-way.
- A portion of Canyon View road is proposed to be installed within the Wilson property. The Wilson property will be dedicated to Midway City prior to Final approval.

**Trails:**

- An 8' public trail is shown adjacent to Canyon View road. Several 6' private trails are shown within the interior of Phase 4.

**Storm Drain**

- The storm water within this phase will be collected within the proposed curb & gutter and discharged to the proposed catch basins and the proposed retention ponds.
- The storm drain plans will need to reflect the storm drain modifications within the Phase 2 as-built plans.

**Landscaping**

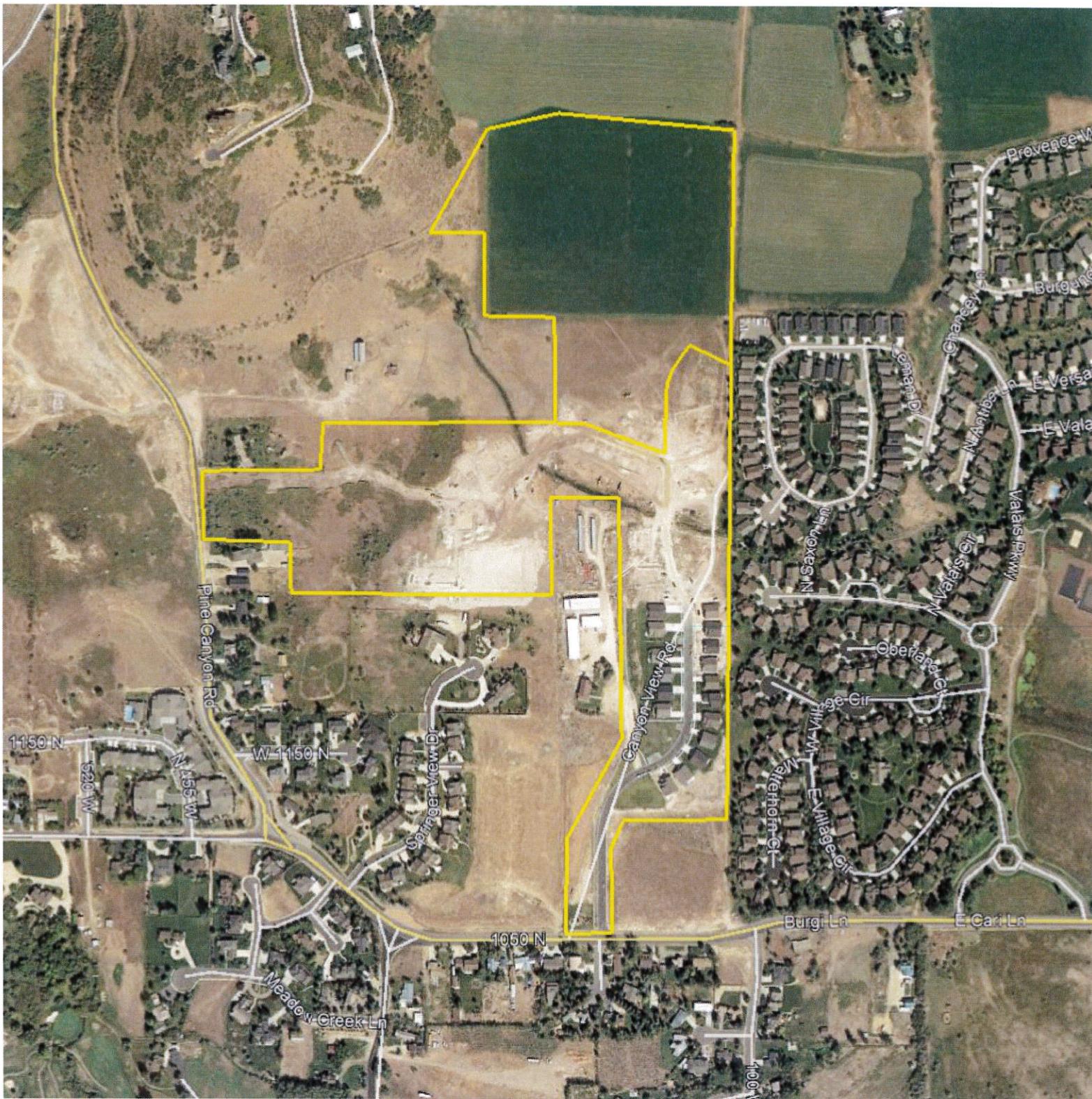
- The landscaping cost shall be included within the improvements bond.

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



1150 N

520 W

N 155 W

W 1150 N

Springer View Dr

Canyon View Rd

1050 N

Meadow Creek Ln

100 N

Steffens Cir

14th St

Ember Cir

Burg Ln

E Carl Ln

Oberland Cir

15th St

Walrus Pkwy

Chasey St

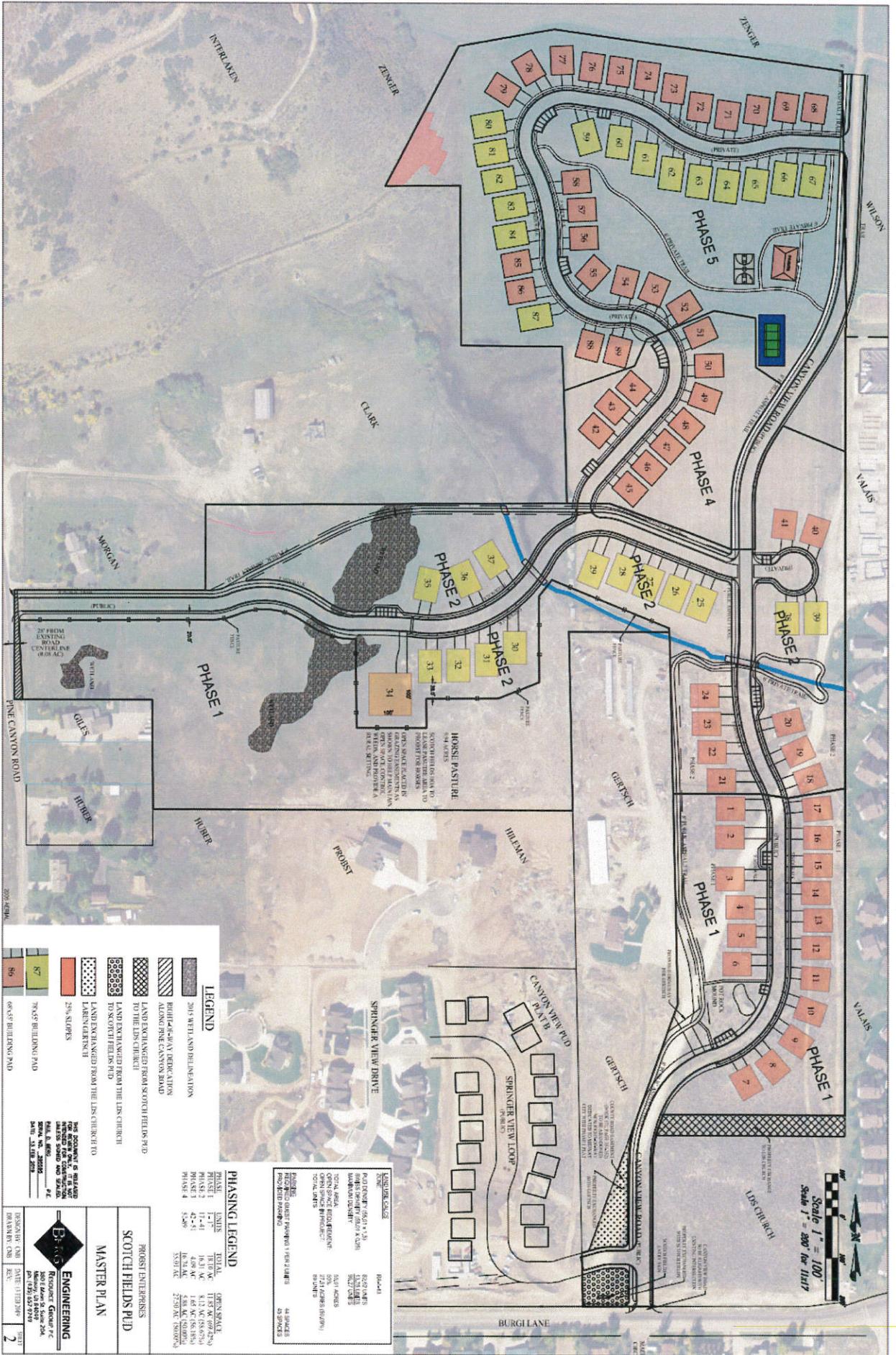
N Antelope

E Valse

E Versa

Butte

Provence W



Scale 1" = 100'  
Scale 1" = 300' for 11x17"

**LEGEND**

- 20% WITH AND BELONGATION
- 25% SLOPES
- 75% BUILDING PAD
- 60-65 BUILDING PAD
- 25% SLOPES
- 75% BUILDING PAD
- 60-65 BUILDING PAD
- 20% WITH AND BELONGATION
- 25% SLOPES
- 75% BUILDING PAD
- 20% WITH AND BELONGATION
- 25% SLOPES
- 75% BUILDING PAD
- 20% WITH AND BELONGATION
- 25% SLOPES
- 75% BUILDING PAD

**PHASING LEGEND**

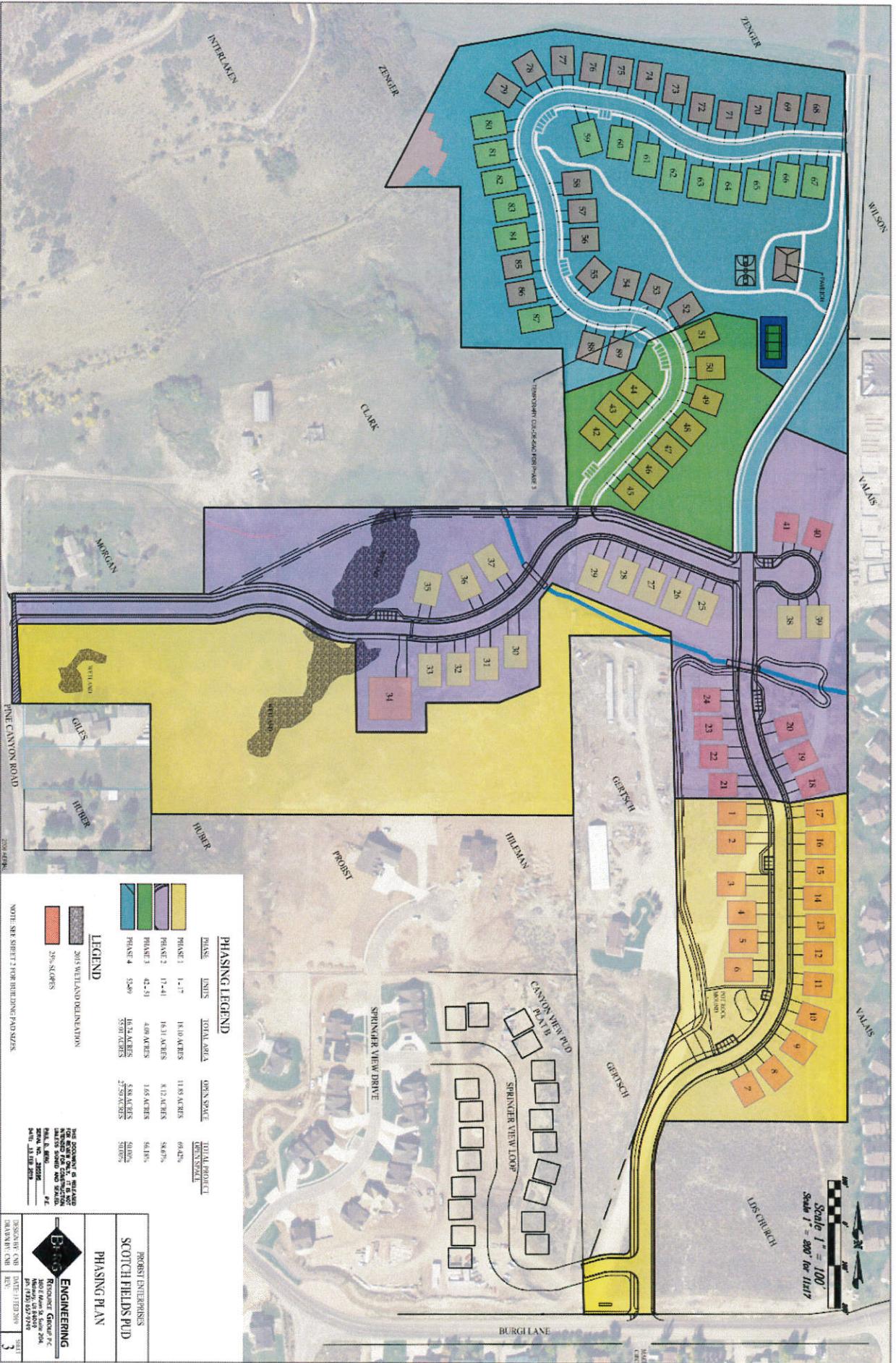
| PHASE   | INDS  | TOTAL  | OPEN SPACE     |
|---------|-------|--------|----------------|
| PHASE 1 | 17-41 | 143 AC | 113 AC (78.3%) |
| PHASE 2 | 42-51 | 143 AC | 113 AC (78.3%) |
| PHASE 3 | 52-61 | 143 AC | 113 AC (78.3%) |
| PHASE 4 | 62-71 | 143 AC | 113 AC (78.3%) |
| PHASE 5 | 72-81 | 143 AC | 113 AC (78.3%) |

**PROJEST ENGINEERS**  
SCOTCH FIELDS PUD  
MASTER PLAN

**ENGINEERING**  
Resident Group P.C.  
1000 E. 10th Ave.  
Denver, CO 80202  
303.733.8888

DESIGNED BY: CNB  
DATE: 11/27/2016  
DRAWN BY: CNB  
SHEET: 2

NO DOCUMENT OR RELEASED FOR CONSTRUCTION WITHOUT THE SIGNATURE OF THE ENGINEER



**PHASING LEGEND**

| PHASE   | DIMS  | TOTAL AREA  | OPEN SPACE  | TOTAL PROJECT OPEN SPACE |
|---------|-------|-------------|-------------|--------------------------|
| PHASE 1 | 1-17  | 18.10 ACRES | 11.85 ACRES | 69.42%                   |
| PHASE 2 | 17-41 | 18.31 ACRES | 8.12 ACRES  | 58.67%                   |
| PHASE 3 | 42-51 | 4.80 ACRES  | 1.65 ACRES  | 54.18%                   |
| PHASE 4 | 52-89 | 16.72 ACRES | 5.88 ACRES  | 59.06%                   |
|         |       | 59.93 ACRES | 27.50 ACRES | 59.07%                   |

**LEGEND**

- 2018 WETLAND DELINEATION
- 25% SLOPES

**PROJECT ENTERPRISES**  
SCOTCH FIELDS PUD

**PHASING PLAN**

**ENGINEERING**  
ROBERT GORDON P.C.  
NORWICH, UTAH 84655  
PH: 435.529.7999

DESIGNER: CNB DATE: 11/23/2018  
DRAWN BY: CNB  
SCALE: AS SHOWN

3

NOTE: SEE SHEET 7 FOR BIRDING PHASING

Scale 1" = 100'  
Scale 1" = 200' for 1/4"17

