



## PLANNING COMMISSION MEETING STAFF REPORT

**DATE OF MEETING:** December 11, 2018

**NAME OF PROJECT:** Homestead Villas: Phase 1 of the Homestead Resort Master Plan

**NAME OF APPLICANT:** Homestead Legacy LLC

**AGENDA ITEM:** Preliminary

**LOCATION OF ITEM:** Bayhill Drive and Fairway Drive; Mountain Springs Drive

**ZONING DESIGNATION:** R-1-15

### **ITEM: 2**

Steve Eddington, agent for Legacy Homestead LLC, is requesting Preliminary Approval for a large-scale 4-lot subdivision known as the Homestead Villas (Phase 1 of the Homestead Resort Master Plan) on 1.81 acres. Three lots are located at the intersection of Bayhill Drive and Fairway Drive and the final lot is located near the cul-de-sac on Mountain Springs Drive. The property is in the R-1-15 zone.

### **BACKGROUND:**

Legacy Homestead LLC is requesting approval of a four-lot subdivision that is phase 1 of the Homestead master plan that was approved on August 27, 2008. Three of the lots will access through The Links Planned Unit Development (PUD) from Bayhill Drive and Fairway Drive. The other lot will access through Swiss Creek PUD from Mountain Springs Drive. All the aforementioned streets are private, and easements have been provided proving access.

The three lots that access from The Links are about of third of an acre in size. They range from 13,605 square feet to 14,572 square feet. The lot that accesses from Mountain Springs Drive is larger at 26,968 square feet. This lot contains a 20' wide trail easement and public utility easement (PUE). All the proposed lots contain typical PUEs along the lot boundaries. The three contiguous lots will share a private driveway that will be maintained by the Homestead. Sumps will be installed in an easement on lot 1 that will collect the water run-off for the private driveway. R-1-15 zoning standards will govern all land uses on the three lots including setbacks for future structures. The lots are located along The Crater Springs Golf Course and are prone to golf ball hazards. Special consideration should be taken regarding building materials. Materials used for siding and windows should be resistant to errant golf balls.

This proposal has been previously approved, but the final approval entitlement expired before the plat was recorded. The current configuration is modified from the layout in the exhibit that was approved with the master plan (see attached). The most notable difference is the shared driveway in the master plan connected the surrounding private streets. In the current proposal the driveways do not connect. The reason for the change is during previous approvals of this proposal the surrounding neighborhoods did not want the driveway to connect. This would have allowed for access that has not been possible because of a crash gate that currently blocks access at the south end of Fairway Drive. This proposal mirrors the most previous approval of the subdivision that recently expired.

The Master Plan for the Homestead was previously amended by the developer and the City. These four lots, known as phase 1, were part of that Master Plan and were depicted on the Master Plan map as being part of a through road. The City Council granted final approval of the plans with the through road in November of 2008. The Home Owners Associations of the Links and Mountain Springs both objected to this configuration because of the through road. In December of 2008 the item was heard again by the City Council and lot 4 was reduced back to preliminary approval while the other three lots maintained their Final Approval status because of the issue of the through road. It was suggested by the city attorney in that meeting that if the two groups could not come to an agreement then two cul-de-sacs would be created to service the four lots with no through road. This proposal represents that suggestion.

#### **LAND USE SUMMARY:**

- 1.81-acre site
- Proposal contains 4-lots in two plats; Lots 1, 2, and 3 in Plat A and Lot 4 in Plat B
- The parcels will be connected to the City's culinary water system and Midway Sanitation District's sewer system that both have mains located at the intersection of Fairway Drive and Bayhill Drive. Secondary water will be supplied through the Homestead's secondary irrigation system.

- Lots 1, 2, and 3 will access from a private shared driveway that is an extension of Fairway Drive, a private street. Lot 4 will be accessed from Mountain Springs Drive on a driveway easement through Swiss Creek PUD Plat “A”.

## **ANALYSIS:**

*Roads and driveways* – there are no roads in the proposal only a shared private driveway. The driveway will be 20’ wide and will have a turnaround as approved by the City Engineer and the Fire Chief. The driveway will be maintained by the Homestead. There are several easements that encumber the driveway that include access for emergency services, Homestead maintenance vehicles and the public. The driveway area, titled “Common Area A” is also a sewer and water easement.

*Trails* – an 8’ paved trail is required to be built along the frontage of the Homestead on Homestead Drive. This will need to be built concurrently with the subdivision driveways. A bond will be required if the trail is not built before the plat is recorded.

*Dwelling construction materials* – the four lots are in an area where they will be prone to golf ball hazards. Staff has strongly recommended the building materials for the walls and windows are of materials that will withstand the impact of errant golf balls. There will be landscaping that will help deflect some of the potential errant golf balls, but the landscaping will not stop the dwellings from being hit.

*Access easements* – the applicant claims the ability to access the proposed subdivision through easements and agreements that have been recorded over the years. Three documents have been submitted to the City regarding this issue. The documents submitted to the City are the following: Declaration and Grant of Easement recorded on 1-11-2006, Homestead Golf Course Master Agreement recorded on 2-19-1988, and the Declaration of Covenants, Conditions and Restrictions for Mountain Springs PUD recorded on 8-30-1993.

*Landscaping plan* – the applicant has submitted a landscaping plan that covers property in and outside the proposed plat. The main reason for the landscaping is to help protect future structures from errant golf balls. The landscaping plan includes berms and a mix of trees. The landscaping plan will need to be included as part of any required bonding.

## **WATER BOARD RECOMMENDATION:**

Homestead Villas 470 North Fairway Drive  
October 7, 2013

Motion: Irrigation Member Steve Farrell made a motion to reaffirm the motion made October 6, 2008 that Homestead Villas is required to turn in 2.5 shares of water or 7.5 acre feet for four (4) single family homes. Council Member Dick Hines seconded the motion and it was carried unanimously.

## **POSSIBLE FINDINGS:**

- The Homestead Trail is required as part of Phase 1 of the Homestead master plan
- The Homestead Trail will be public and is a key component of the City's Master Trail Plan
- The proposal is part of the Homestead's entitled master plan

## **ALTERNATIVE ACTIONS:**

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission 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 Planning Commission 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. Recommendation of Denial. This action can be taken if the Planning Commission 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 CONDITIONS:**

1. The Homestead frontage trail will be built concurrently with the shared driveway in the Homestead Villas Phase 1 (plat one).
2. A note on the plat is included that gives notice of errant golf balls and the potential safety and damage that could occur because of this hazard. The note will also reflect that sturdy construction materials are recommended that will withstand errant golf balls.

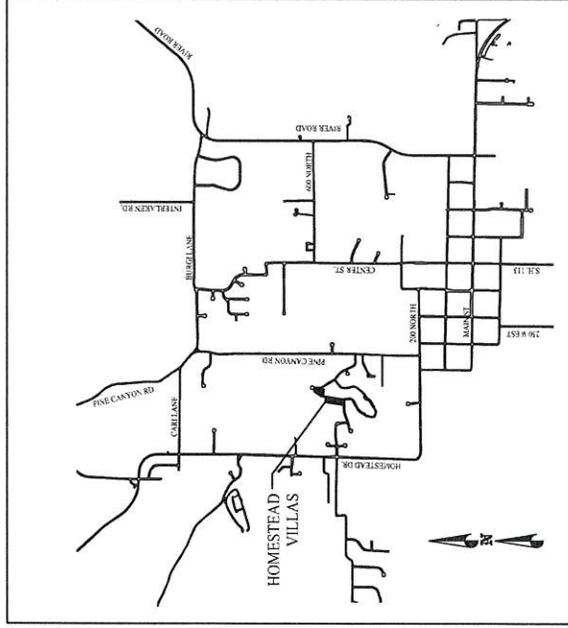
# HOMESTEAD VILLAS

## PHASE 1 OF THE HOMESTEAD RESORT MASTER PLAN

### PRELIMINARY & FINAL APPLICATION

#### SHEET INDEX

1. HOMESTEAD VILLAS PLAT 'A'
2. HOMESTEAD VILLAS PLAT 'B'
3. GOLF SHOT HAZARD MAP
4. LANDSCAPE PLAN
5. UTILITY PLAN
6. ROAD PLAN & PROFILE
7. ROAD CONSTRUCTION DETAILS
8. SEWER PLAN & PROFILE
9. SANITARY SEWER CONSTRUCTION DETAILS
10. CULINARY WATER CONSTRUCTION DETAILS
11. STORM DRAIN PLAN
12. STORM DRAIN CONSTRUCTION DETAILS



MIDWAY CITY  
VICINITY MAP

THE ENGINEER'S RESPONSIBILITY  
AND THAT OF ALL OTHERS CONCERNED  
HEREIN IS LIMITED TO THE DESIGN AND  
CONSTRUCTION OF THE PROJECT.  
DATE: 11.02.2008

THE HOMESTEAD HOMESTEAD VILLAS
COVER SHEET
<b>BERG ENGINEERING</b> 300 E. Main St., Suite 204 PH 935.627.9749
DESIGN BY: PFB DRAWN BY: PFB DATE: 13 NOV 2015 REV: 0



**HOMESTEAD VILLAS - PLAT B**



LOCATED IN THE NORTHWEST CORNER OF SECTION 34, T3S, R4E, S18&M

**BUILDING REQUIREMENTS FOR LOT 4:**  
 HOME BUILT ON LOT 4 SHALL BE ANSICULATED TO THE LAND RATHER THAN IS EXCAVATED TO SET IN A ROCK LINED DEPRESSION WITH THE BUILDING PAD.



**SURVEYOR'S CERTIFICATE**  
 IN ACCORDANCE WITH SECTION 10-9-303 OF THE UTAH CODE, I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR LICENSED UNDER THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED IN THIS PLAT AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

**BOUNDARY DESCRIPTION**  
 BEGINNING AT A POINT 184.76 FEET NORTH AND WEST 86.23 FEET FROM THE FOUND SURVEY MONUMENT FOR THE NORTH QUARTER CORNER OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE & MERIDIAN,  
 THENCE NORTH 227.45 FEET;  
 THENCE NORTH 6847.07' WEST 151.53 FEET;  
 THENCE NORTH 9233.37' EAST 108.46 FEET;  
 THENCE EAST 60.23 FEET TO THE POINT OF BEGINNING.  
 CONTAINING: 0.82 ACRES

**OWNER'S DEDICATION**  
 KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY HEREIN DESCRIBED, HAVE HEREBY DEDICATED AND SUBMITTED TO THE PUBLIC RECORDS, THE TERMS AND CONDITIONS OF EASEMENTS, AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE UTAH CODE, I HAVE HEREBY DEDICATED TO THE PUBLIC RECORDS THE RIGHTS AND DEDICATIONS OF THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

**ACKNOWLEDGMENT**  
 STATE OF \_\_\_\_\_ ) S.S.  
 COUNTY OF \_\_\_\_\_ )  
 ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_, PERSONALLY APPEARED \_\_\_\_\_, KNOWN TO ME TO BE THE SAME AS THE NAME IN THE CAPACITY INCORPORATED.  
 MY COMMISSION EXPIRES: \_\_\_\_\_, MIDDAY PUBLIC

**ACCEPTANCE BY MIDWAY CITY**  
 THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HAS HEREBY ACCEPTED THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS-OF-WAY HEREOF SHOWN.

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
 APPROVED: MAYOR \_\_\_\_\_ ATTEST: CLERK-RECORDER  
 APPROVED: CITY ENGINEER \_\_\_\_\_ APPROVED: CITY ATTORNEY

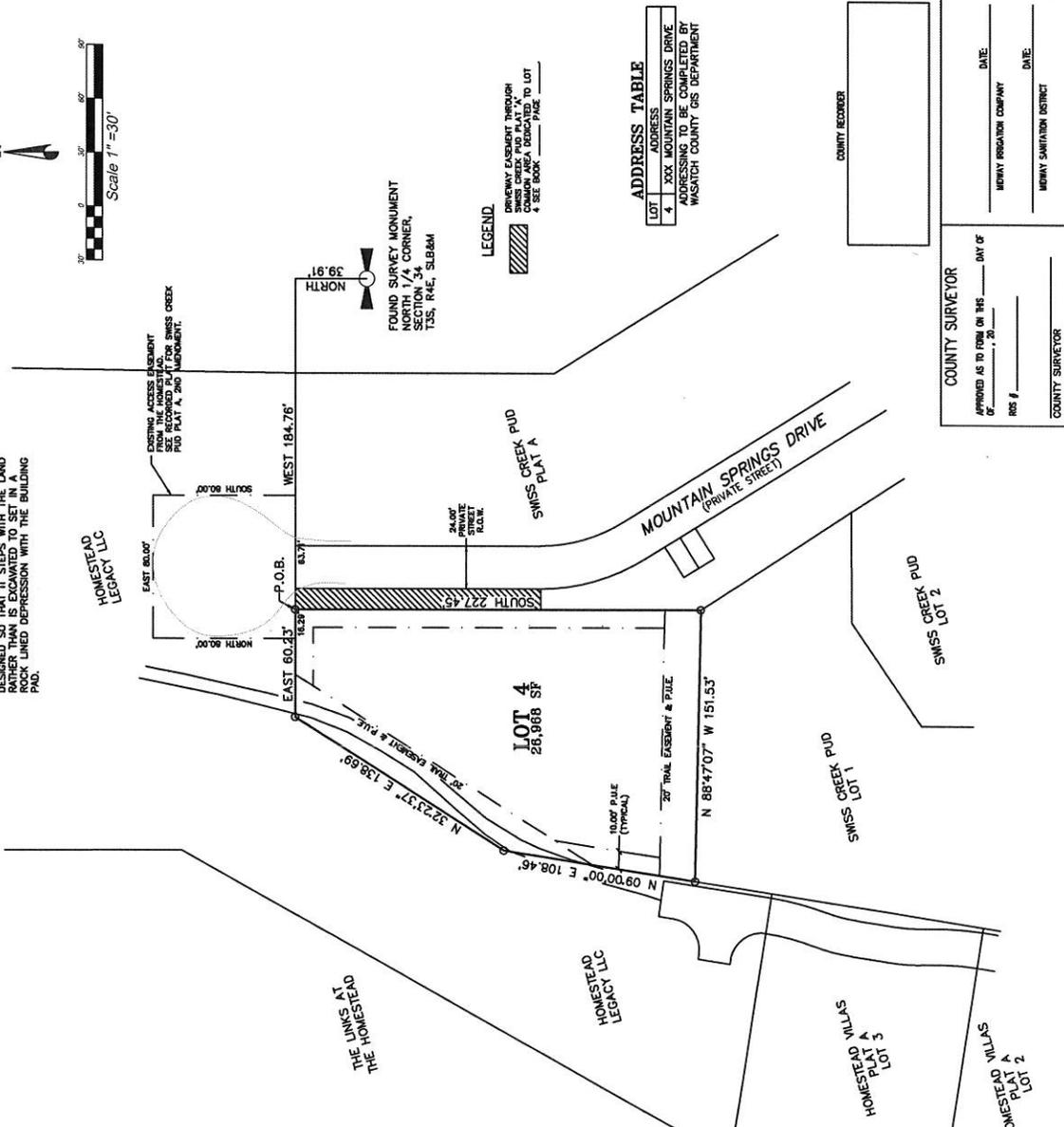
**PLANNING COMMISSION APPROVAL**  
 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_ BY THE  
 MIDWAY CITY PLANNING COMMISSION  
 DIRECTOR - SECRETARY \_\_\_\_\_ CHAIRMAN, PLANNING COMMISSION

**HOMESTEAD VILLAS PLAT "B"**  
 LOCATED IN THE NW CORNER OF SEC. 34, T3S, R4E, S18&M  
 MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH  
 SCALE: 1" = 30' FEET

DATE \_\_\_\_\_ SURVEYOR \_\_\_\_\_

CITY ENGINEER SEAL CITY ENGINEER SEAL

CLERK-RECORDER SEAL



**ADDRESS TABLE**

LOT	ADDRESS
4	3008 MOUNTAIN SPRINGS DRIVE

COMMENCED AT THE POINT OF BEGINNING OF THE LOT IN WASATCH COUNTY, U.S. DEPARTMENT

**LEGEND**  
 DRIVEWAY EASEMENT THROUGH COMMON AREA DEDICATED TO LOT 4 SEE BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

COUNTY SURVEYOR

APPROVED AS TO FORM ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

R/S # \_\_\_\_\_

COUNTY SURVEYOR

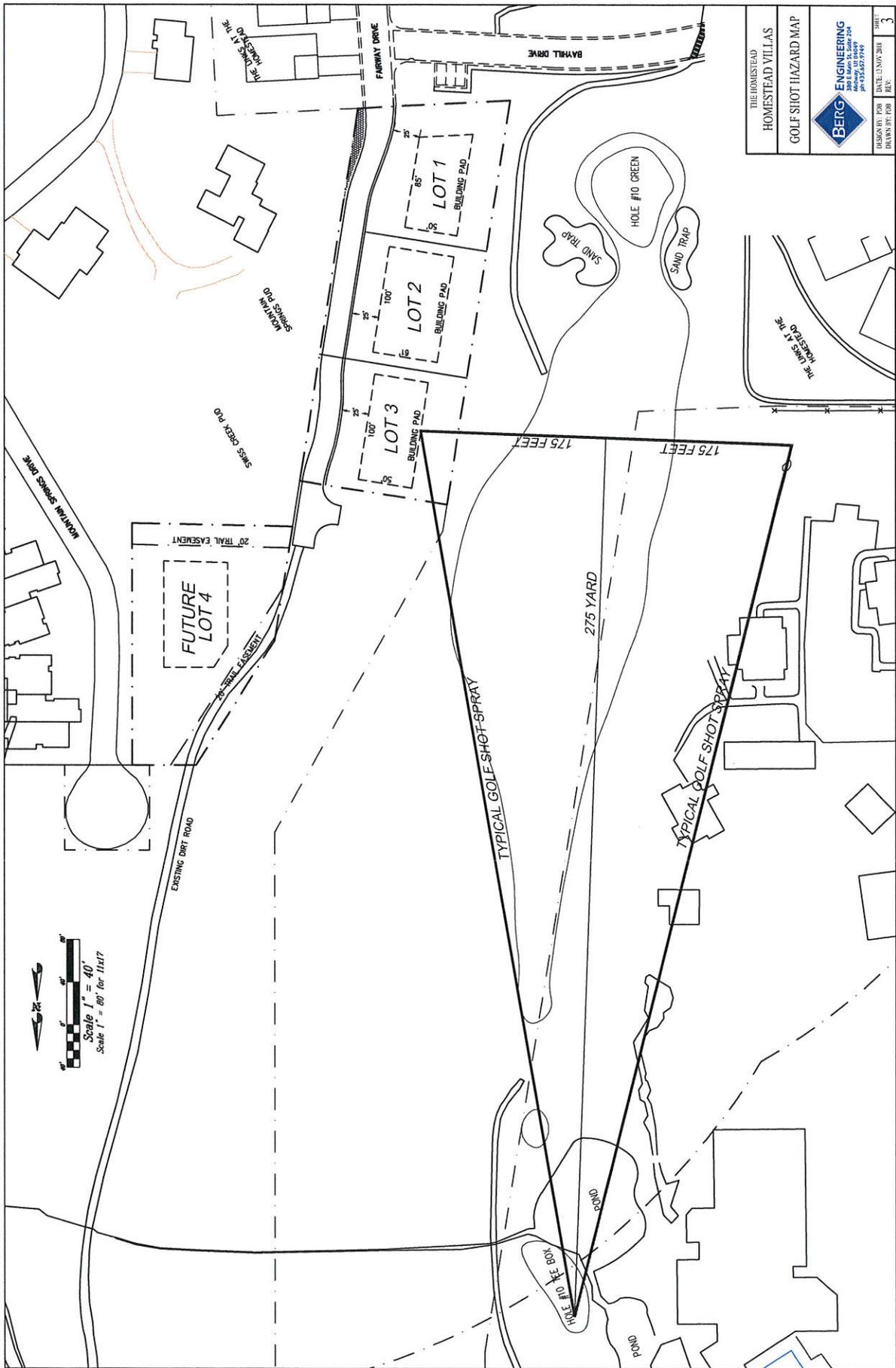
DATE: \_\_\_\_\_

MIDWAY PRODUCTION COMPANY

DATE: \_\_\_\_\_

MIDWAY SANITATION DISTRICT

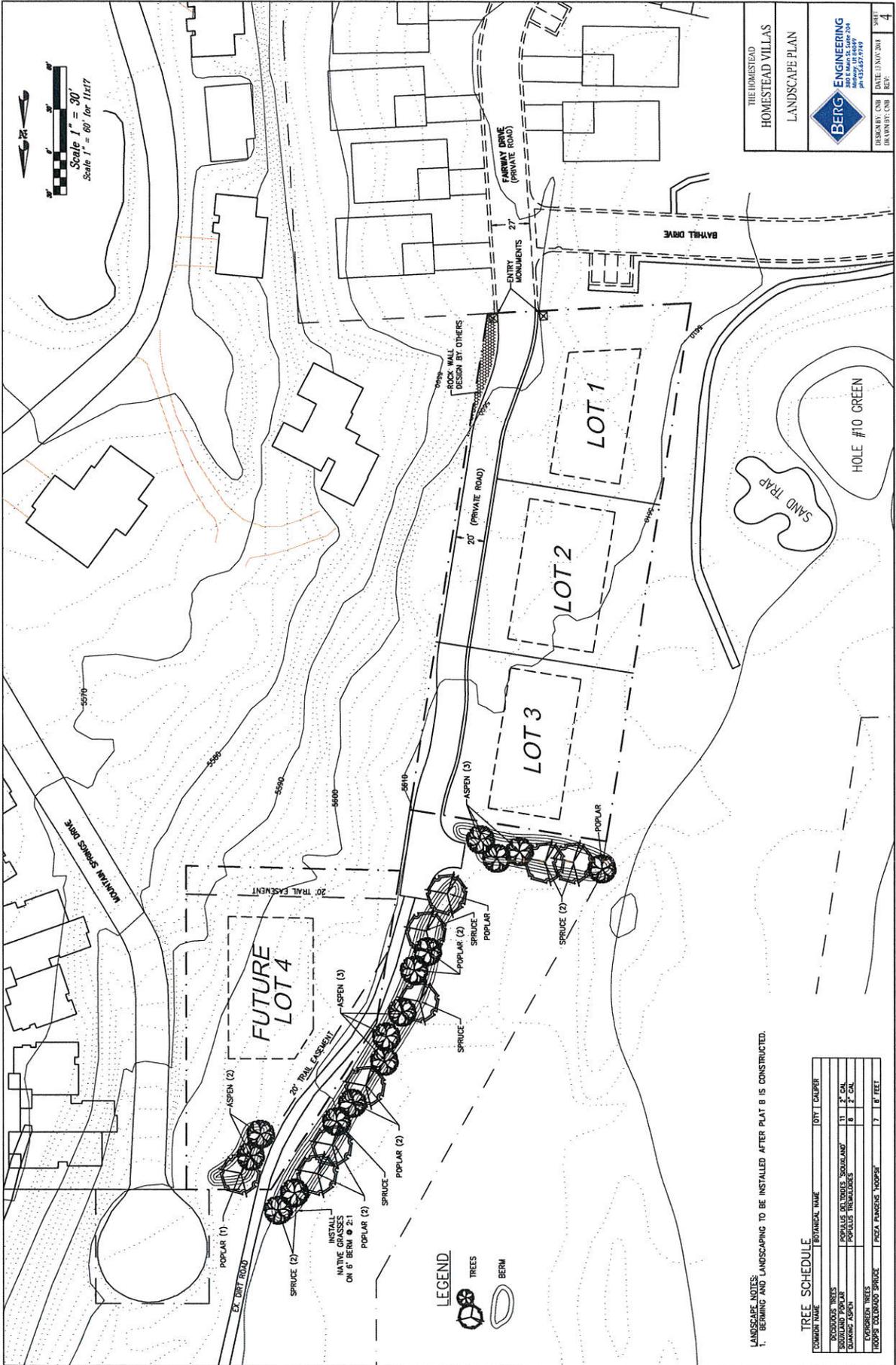
SURVEYOR: BING CHRISTENSEN, R.L.S.  
 P.O. BOX 1218  
 HEBER CITY, UTAH 84032  
 PHONE: (435) 654-9229  
 DATE OF SURVEY: JAN 2008



THE HOMESTEAD  
 HOMESTEAD VILLAS  
 GOLF SHOT HAZARD MAP

**BERG ENGINEERING**  
 200 S. Main St. Suite 204  
 Phoenix, AZ 85004  
 PH: 602.527.7949

DRAWN BY: FDB    DATE: 13 NOV 2016    REV: 3

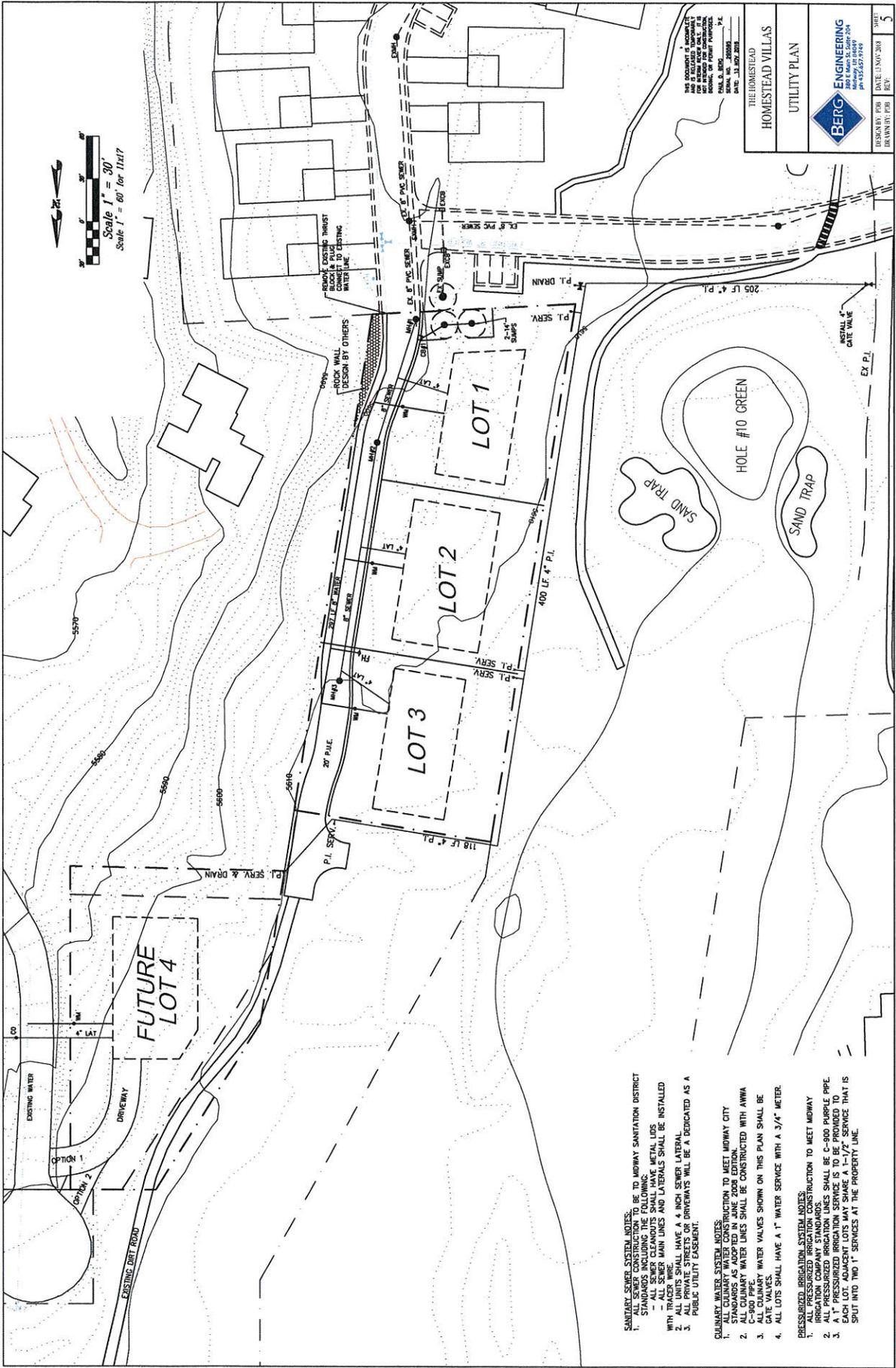


LANDSCAPE NOTES:  
1. BERMING AND LANDSCAPING TO BE INSTALLED AFTER PLAT 8 IS CONSTRUCTED.

TREE SCHEDULE

COMMON NAME	BOTANICAL NAME	DBH T. CALIPER
ROSESHOE TREES	POPULUS DELTOIDES 'SOULAZAN'	11" 2" CAL
EUROPEAN POPLAR	POPULUS TRIMULOIDES	8" 2" CAL
EUROPEAN ASH	FRAXINUS	
NOBLESSE TREES	FRAXINUS 'NOBLESSE'	7" 1.8" FEET
TODD'S COLORADO SPRUCE	PRINUS	





Scale 1" = 30'  
Scale 1" = 60' for 11x17"

THIS DOCUMENT IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. THE USER ASSUMES ALL LIABILITY FOR ANY ERRORS OR OMISSIONS. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

DATE: 12/01/2016  
DRAWN BY: PBR  
CHECKED BY: PBR  
DATE: 12/01/2016

THE HOMESTEAD  
HOMESTEAD VILLAS  
UTILITY PLAN

**BERG ENGINEERING**  
10000 W. 100th St.  
Overland Park, KS 66204  
913.665.7749

DATE: 12/01/2016  
DRAWN BY: PBR  
CHECKED BY: PBR  
DATE: 12/01/2016

5

- SANITARY SEWER SYSTEM NOTES:**
- ALL SEWER CONSTRUCTION TO BE TO MIDWAY SANITATION DISTRICT STANDARDS INCLUDING THE FOLLOWING: METAL LIDS
  - ALL SEWER MAIN LINES AND LATERALS SHALL BE INSTALLED WITH TRACER WIRE
  - ALL PRIVATE STREETS OR DRIVEWAYS WILL BE A DEDICATED AS A PUBLIC UTILITY EASEMENT.

- CULINARY WATER SYSTEM NOTES:**
- ALL CULINARY WATER CONSTRUCTION TO MEET MIDWAY CITY STANDARDS AS ADOPTED IN JUNE 2008 EDITION.
  - ALL CULINARY WATER LINES SHALL BE CONSTRUCTED WITH AMWA A 1" PRESSURIZED IRRIGATION SERVICE IS TO BE PROVIDED TO SPLIT INTO TWO 1" SERVICES AT THE PROPERTY LINE.

- PRESSURIZED IRRIGATION SYSTEM NOTES:**
- ALL PRESSURIZED IRRIGATION CONSTRUCTION TO MEET MIDWAY IRRIGATION COMPANY STANDARDS.
  - ALL PRESSURIZED IRRIGATION LINES SHALL BE C-900 PURPLE PIPE.
  - A 1" PRESSURIZED IRRIGATION SERVICE IS TO BE PROVIDED TO SPLIT INTO TWO 1" SERVICES AT THE PROPERTY LINE.



Ent 340720, Blk 0975, Pj 0030

Ent 340720, Blk 0975, Pj 0030

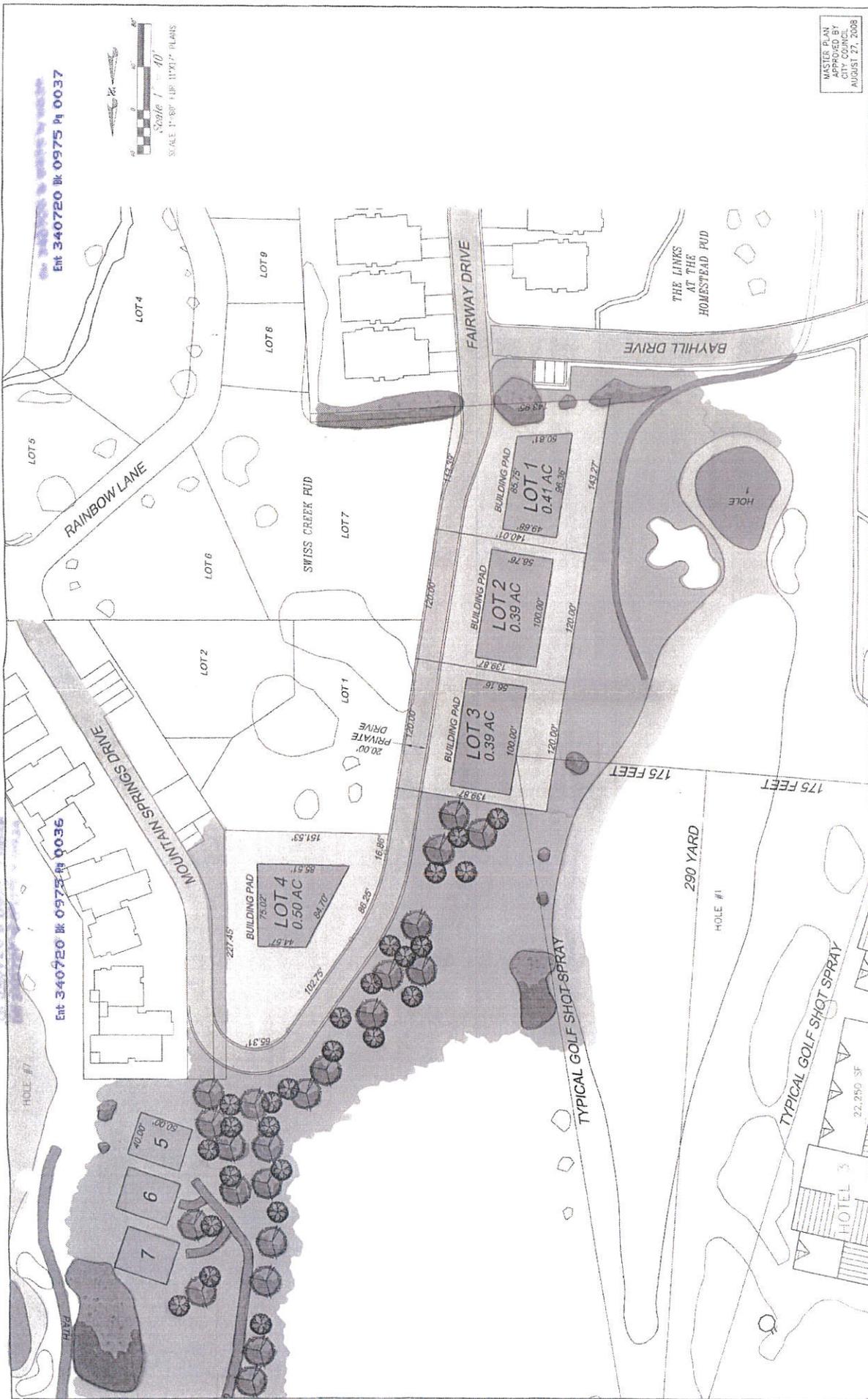


Scale 1" = 400'  
 SCALE 1"=800' FOR 11"x17" PLANS

-  RESORT CORE
-  GOLF COURSE COTTAGES
-  OPEN SPACE INCLUDED IN HOMESTEAD RESORT MASTER PLAN (36.64 ACRES)

MASTER PLAN :  
 THE HOMESTEAD RESORT  
 CITY COUNCIL  
 AUGUST 27, 2008

MIDWAY CITY, UT	THE HOMESTEAD INC. ADDRESS: 700 NORTH HOMESTEAD DRIVE PHONE: (435) 654-1102	<b>THE HOMESTEAD RESORT - MASTER SITE PLAN</b>		BERC ENGINEERING RESOURCE GROUP 380 E. MAIN ST. SUITE B, MIDWAY, UT PHONE: (435) 657-9749	SCALE: 1"=400'	DESIGN BY: DRAWN BY: CNB	DATE: 13 FEB 2008	DRAWING NO: HOMESTEAD	SHEET NO: 1
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Ent 340720 Bk 0975 Pt 0037

Ent 340720 Bk 0975 Pt 0036



MASTER PLAN  
APPROVED BY  
CITY COUNCIL  
AUGUST 27, 2008

MIDWAY CITY, UT	THE HOMESTEAD INC. Address: 700 NORTH HOMESTEAD DRIVE PHONE: (435) 654-1102		THE HOMESTEAD RESORT - GOLF COURSE COTTAGES		BERG ENGINEERING RESOURCE GROUP 380 E. MAIN ST. SUITE B, MIDWAY, UT PHONE: (435) 651-9119		SCALE: 1"=40'	DESIGN BY: DRAWN BY: CNB	DATE: 13 FEB 2009	DRAWING NO: HOMESTEAD	SHEET NO: 4
									REV:		

To: Michael Henke, City Planner  
From: Members of the Board for the Links at the Homestead Development  
Regarding: Item 2 on the Midway City Planning Commission Agenda

As a Board, we have several concerns regarding this request. Because the property is adjacent to the Links and propose to use our street and utility systems for their development, we would like to express the following concerns and have them addressed as part of the review and staff report.

Assuming the language of the Declaration and Grant of Easement has not changed from the original in 2005, here are some questions The Links at the Homestead HOA would like answered:

1. Since The Links at the Homestead owners or HOA board have not been officially notified of a Declaration and Grant of Easement between us and The Homestead Inc, what do we need to do to request and be granted a continuance? We need to inform owners and determine our position of the easement.
2. Assuming the Easement request is the same, Will the easement road (extension of Fairway Dr. "North") dead-end or will it connect to Cul De Sac at end of Mountain Springs Dr. Documentation given to The Links at the Homestead HOA shows lots 1 to 3 are east of #10 green on golf course. Lot #4 shows on cul de sac of Mountain Springs Dr. Where is lot #5? Easement talks about up to 5 lots. Are these lots for single family dwellings? If Fairway Dr "north" connects to cul de sac on Mountain Springs Dr it will become a through street and used on a regular basis by the community east of The Links at the Homestead which is a very big concern for us.
3. Easement states The Links at the Homestead (Grantor) will provide The Homestead Inc (Grantee) utility connections to the Grantee's property line at access point. Currently our utilities do not run all the way to access point. Would (we) Grantor have to provide utilities to access point? The Utilities mentioned are Main Sewer Line, Main Water Line, Electric Power Natural Gas and Telephone. (The Utilities)
4. Have the proper studies been completed to ensure there will be no negative affects, degradation of the performance or capacity issues of The Utilities by allowing the Grantee to connect to the Grantors utilities?
5. There is no mention in Declaration and Grant of Easement as to the Grantee's need to connect to Grantor's storm drain system. Is this an oversight? If not, how is Grantee going to handle their storm drain needs? If it is an oversight, studies should be conducted at Grantee's expense, to determine Grantor's capacity to handle added volume and meets regulations.
6. The Links at the Homestead owners have paid for our infrastructure of utilities and will continue to pay for our ongoing maintenance of our private systems. Why would Grantor give away the use of private systems and infrastructure without asking for connection fees and pro-rated future maintenance?
7. Declaration and Grant of Easement gives Grantee, their guest and invitees use of the Grantors private roads without incurring a pro-rated cost or consideration fee for construction vehicle use and damage, maintenance fee and snow plowing. Additional road damage will likely occur (caused by construction vehicles) as it did

- in the past which developer paid for. Is it not equitable to ask Grantee to pay their fair portion of costs incurred and future maintenance?
8. As for the sewer system, the plats show the sewer lines as private and connecting to public sewers lines by Mountain Springs Inn. Same as storm drain system, culinary water lines, etc.

Sincerely,

**Links at the Homestead HOA Board Members**

**John Rice** [johnrice@hotmail.com](mailto:johnrice@hotmail.com) 404-434-4983

**Ken Ross** [kenrossesq@gmail.com](mailto:kenrossesq@gmail.com) 952-210-2212

**Catherine Trevett**, [catherfr@aol.com](mailto:catherfr@aol.com) 801-558-6167

**Laurie Dino**, [dinolaura@comcast.net](mailto:dinolaura@comcast.net) 801-838-0133

**Jim Bryan** [jbryanphotography@comcast.net](mailto:jbryanphotography@comcast.net) 801 836-1262

December 11, 2018

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

Subject: **The Homestead Villas Plat A and B; Preliminary Review**

Dear Michael:

Horrocks Engineers recently reviewed the Submitted Plans for the Homestead Villas Plat A and B. The following issues should be addressed.

General Comments

- This is the first phase of the Homestead Resort Master Plan. A retaining wall is shown across the private drive from lot 1. The note states "Rock Wall designed by others". It should be clear who is designing the rock wall and when the rock wall will be installed. Can the road be constructed without the rock wall? What is the height of the proposed rock wall? The proposed landscaping should be included within the bond.

Water

- The public waterline within the proposed development will connect to the existing 8-inch public waterline line in within Fairway Drive of the Links. Lot 4, which is within Plat B, shows a lateral connecting to an existing line in Mountain Springs Drive.

Roads

- To better protect the erosion of the existing area, the 20' private road within Plat A should have curb & gutter installed on each side of the road.
- A hammer-head turn-around is proposed at that the end of the private drive.
- Lot 4 as currently shown in Plat B has an easement strip between it and the existing Mountain Springs Drive. This easement should be recorded with the recording of plat B.
- The property boundary of lot 4 is over the existing dirt road connecting the dirt road to Mountain Springs Drive. Will this dirt road be re-located and the connection be continued?

Storm Drain

- The proposed storm drain system contains two sumps. With the construction of the additional curb & gutter, the storm drain calculations should be updated. What type of soil will the sumps be constructed in? Is lot 1 proposed to have a basement that the proposed sumps could impact?

Please feel free to call our office with any questions.

Sincerely,  
HORROCKS ENGINEERS

  
Wesley Johnson, P.E.  
City Engineer

cc: file  
Berg Engineering