



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: November 15, 2017

NAME OF PROJECT: Midway Springs

NAME OF APPLICANT: Watts Enterprises

AGENDA ITEM: Master Plan of Midway Springs

LOCATION OF ITEM: 600 North 200 East

ZONING DESIGNATION: R-1-15

ITEM: 2

Berg Engineering, agent for Watts Enterprises, is requesting Master Plan approval of Midway Springs Subdivision. The proposal is a large-scale subdivision that is 50.76 acres in size and will contain 97 lots/units and will be developed in three phases. The property is located at 200 East 600 North and is in the R-1-15 zone.

BACKGROUND:

Watts Enterprises is proposing Master Plan of Midway Springs which is located at 200 East and 600 North. The property is 55.76 acres in size and will be developed in three phases. In all there will be 97 units in the three phases. The property will be partially developed as a Planned Unit Development (PUD) and as a standard subdivision. There will be a mix of public roads and private roads (all private roads will have a public access easement). There will also be 15% open space in the standard subdivision section of the development and 50% open space in the PUD section of the project that will be common area owned by the homeowner's association (HOA). There will also be a mix of public and private trails throughout the development along with private amenities that includes a clubhouse, swimming pool, tennis court, pickleball court, basketball court, among others. Sensitive lands area also located on the property and will be left undisturbed as required by the land use ordinance. These sensitive lands include wetlands and stream corridors.

The Land Use Code requires that a Master Plan request must demonstrate that approval of the project in multiple phases can occur such that the project can still function autonomously if subsequent phases are not completed. Therefore, the Master Plan application must demonstrate that sufficient property, water rights, roads, sensitive lands protection, and open space are proposed with the first phase to allow the project to function without subsequent phases.

At this point it is unknown if the Midway Springs phasing plan does meet the requirements. More information is needed to assure that the open space acreage per phase has been met. Also, the development does need to receive a recommendation from the Water Board regarding the amount of water the development will need to tender to the City. Both items will be discussed later in this report.

LAND USE SUMMARY:

- 55.01 acres
- R-1-15 zoning
- Proposal contains 77 building pads (PUD)
- Proposal contains 20 lots (standard subdivision)
- Three phases
 - Phase I – 31 units (20 lots, 11 pads)
 - Phase II – 41 units (41 pads)
 - Phase II – 25 units (25 pads)
- Project is a Planned Unit Development/Standard Subdivision
- Private roads will be maintained by the HOA
- Public roads will be the responsibility of the City
- The lots will connect to the Midway Sanitation District sewer and to the City's water line.
- 8' paved public trail is planned to run north and south through the length of the property
- Sensitive land of the property includes wetlands and stream corridors

ANALYSIS:

Open Space – The code requires that with each phase that is approved there is enough open space to comply with the requirements of the code. For example, phase I must have at least 50% open space for that particular phase. If phase I has 75% open space, then phase II only needs to have 25% open space if both phases are equal in acreage. The development application does not include an acreage total of open space per phase. It is unknown if each phase meets the minimum requirements as required by the code. The overall total of required open space does comply with the requirements of the code.

Open Space Credit – The City Council has approved off-site open space for this proposal. Watts Enterprises owns much of the property around the River Road roundabout. The parcel is OMI-0563-0-026-034 and comprises 1.32 acres that will be deeded to the City. Watts Enterprises will need to landscape the property and deed the required water acre-feet to the City as it would if the open space was part of the open space within the proposed Midway Springs subdivision. Midway Springs HOA will be required to maintain the open space unless another option is approved by the City Council. The City Council has not granted additional density because of this credit and did limit the maximum density of the development to 97 units of the off-site open space is included in the development.

Density – The applicant is asking for approval for 97 dwellings in the development. Staff has reviewed the sensitive lands code and has determined that the allowed density of the proposal is less than the 97 units that is being petitioned. Section 16.14.9.C: Density for Wetlands and other Water Resources states the following:

Density. Wetland areas and their buffer zones shall receive density credit for clustering purposes at the rate of one unit per ten acres, to be applied to areas of unfilled but allowable densities, located elsewhere within the project, to future Transfer of Development Rights receiving areas, or retired through Purchase of Development Rights policies, if such policies are in effect in Midway City.

Staff has interpreted this section of code to allow one unit per ten acres for all wetland areas and the buffer zone surrounding those wetlands. Staff has arrived at this conclusion based on the following reasons:

1. Ordinance Allows Density Credit for Wetlands

Staff does agree that the ordinance does allow a density credit for wetland areas but how the applicant and staff interpret this section of code is quite different. The applicant has interpreted the density credit to imply a bonus or additional density that is to be added to the permitted density allowed by the zone for wetland areas. Essentially that means that a property with wetlands is allowed a greater density than a property that has no wetlands. For example, a 100-acre property in a R-1-15 zone that

has 50 acres of wetlands and buffer area would be allowed 250 units per the base density and another five units as a density credit for a total of 255 units. Whereas, a 100-acre property in a R-1-15 zone that has no wetlands would only have a density of 250 units. Why would a property with unbuildable areas be allowed more density than one with no unbuildable areas? The code states that “*wetland areas and their buffer zones shall receive density credit for clustering purposes*”. The argument has been made that the density credit is because of the clustering required when a property has wetland areas that cannot be disturbed. In both examples clustering is required as part of the Planned Unit Development (PUD) code so it makes no sense that one would receive more density than the other because of the presence of sensitive lands.

Staff has arrived at the conclusion that wetland areas and their buffers are unbuildable, but the code still allows a density credit for those areas at a rate of one unit for every ten acres. Using the same aforementioned example, the base density would be 125 units and the density credit would be five units for a total of 130 units. Wetland areas are obviously unbuildable, but they do receive some density in the form of a credit of one unit for every ten acres that can be used elsewhere in the project. This allows the land owner to receive some density, at a reduced rate, for property that otherwise would be of no density benefit at all.

2. Previous Ordinances

Another source of information regarding the interpretation of the current code comes from a previous ordinance and the draft ordinance regarding density in wetlands areas. The July 11, 2001 ordinance states the following “*In Planned Developments, wetland areas and the boundary strip surrounding the wetlands area shall have a density allowance of one dwelling unit for every five (5) acres. This density allowance shall be added to the density calculated from the remaining acreage...*”

The density permitted from the 2001 code (one unit for every five acres of wetlands) allowed for more density than the current ordinance (one unit for every ten acres of wetlands) which seems to match the general history of zoning in Midway which is, restrictions have become more stringent. The Sensitive Lands Overlay Zone (SLOZ) that was adopted on 2006 seems to attest to that statement. With the adoption of the SLOZ, ordinances were adopted to preserve several types of sensitive lands including a more restrictive density limitation on wetland areas. Also, draft language was found from a draft copy of the 2006 ordinance that further demonstrates the ordinance was to be more restrictive than the 2001 code.

June 8, 2006 Draft Language for Wetlands Density

c. Density. With respect to individual lots, wetland areas shall not be allocated building lot entitlements of the governing zone, but may be included in lot boundaries that contain otherwise buildable ground. With respect to subdivision or PUD overall density calculations, the area of the actual wetland shall receive open space credit, but being obviously

unbuildable, shall not receive density credit. However, the 20-foot buffer zone shall receive a density credit of one unit per 10 acres, to be applied to areas of unfilled but allowable densities, preferably to an area of greater density than normally allowed located elsewhere within the project, to future Transfer of Development Rights receiving areas, or retired through Purchase of Development Rights policies. Public access to or trail rights of way through these stream corridors is highly encouraged.

3. Two 2006 Sensitive Lands Committee Members have affirmed that density was reduced for Wetlands

Staff has contacted two of the former SLOZ committee members and both affirmed that the intent of the code was to reduce density allowed for some sensitive lands areas including wetlands. Both George Hansen and Robyn Stone have both stated that they understood that density would be more restrictive with the 2006 code.

Based on the reasoning explained in this response staff has determined that the wetlands areas and their accompanying buffer zones areas are allowed one density unit per ten acres. Based on this analysis, staff is proposing that the item is continued until a resolution is found regarding allowed density in the project.

Access – Each phase of the subdivision must meet the access and cul-de-sac limitation requirements of the code. A cul-de-sac is limited to 500’ in length, unless approved otherwise by the City Council. Staff has reviewed the phasing plan and all street length and access requirements have been met as presented in the application.

Two Points of Access – The development plans have two points of access onto 600 North. This is not the most road plan for access for a development of this size. The developer has attempted to access from three other location that include 250 North, 300 North and River Road. All three options were unattainable. The two points of access on 600 North do meet the City requirements regarding the two points of access ordinance but it would be better if an access point was acquired to another collector road.

Traffic Study – The developers have submitted a traffic study to the City as part of the application. Horrocks Engineers is in the process of reviewing that study to determine what road improvements are required on impacted surrounding streets.

Geotechnical Study – The developers have submitted a geotechnical study to the City as part of the application. Horrocks Engineers is in the process of reviewing that study to determine if any special requirements are needed for construction of the roads and future structures in the development.

Water – the developers have yet to meet with the Water Board to determine the recommendation about the amount of water that will be required for the proposal. Review by the Water Board will need to occur before this item is heard by the City Council.

Public Participation Meeting – The developers did hold a public participation meeting on July 10, 2017 as required by the ordinance for master plan applications. This requirement is to give the developer a chance to present the development to residents of the City so that both parties can work together to create the best development possible.

Sensitive Lands – The property does contain some wetlands that will not be disturbed through the development process. The wetlands will become part of the open space for the development and will be preserved. There is a stream/ditch that runs through the property. It will be impacted by the roads crossing the development because of the culverts that will cover the ditch. Midway Irrigation Company owns an easement to the ditch area and will need to approve modifications made to the current ditch. There is a hot spring on the property that will be preserved also. There are also acres of wetlands on the property that are included in the open space areas of the development. A study has been submitted by the developer and will be reviewed by three organizations that include The Army Corps of Engineers, Horrocks Engineers, and another third-party wetland expert that will be decided by the City. There is concern by residents and of the area and the City regarding the location of wetlands and therefore the City has decided to have three entities review the study that has been submitted.

PROPOSED FINDINGS:

- The proposed master plan does not appear to meet the requirements of the code.
- The proposal has not yet received a recommendation from the Water Board.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval. This action can be taken if the Planning Commission feels the proposal complies with the requirements of the Land Use Code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s) if needed

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



Google

Imagery Date: 7/8/2016 40°31'04.43" N 111°28'01.70" W elev 5628

Mountain Spa Ln

E 600 N

Meadow Ln

450 N

300 N

E 250 N

W 200 N

N 100 W St

N Center St

W 100 N

M 001 N

N 100 E

N 200 E

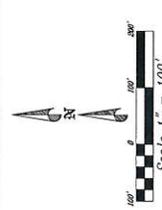
N 300 E

E 100 N

River Rd

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1993



Scale 1" = 100'

SCALE 1" = 200' FOR 11'X17' PLANS

LEGEND

	WETLANDS
	ASPHALT TRAIL
	IMPROVED DITCH

LAND USE CALC.

R-1-15	50.75 AC
TOTAL AREA	50.75 AC

OLD

AREA	30.00 AC
UNITS	36 UNITS (1.50 PER ACRE)
ON-SITE OPEN SPACE	19.56 AC (47.54%)
OFF-SITE OPEN SPACE	11.19 AC (22.03%)
TOTAL OPEN SPACE	30.75 AC (60.57%)

SUBDIVISION

AREA	11.20 AC
UNITS	20 UNITS (1.79 PER ACRE)
ON-SITE OPEN SPACE	1.81 (16.18%) (USE REQUIRED)
OFF-SITE OPEN SPACE	1.81 (16.18%) (USE REQUIRED)
TOTAL OPEN SPACE	3.62 (32.36%)

UNIT PAID SIZES

56'x60'	59'x65'	60'x45'	60'x45'	60'x45'	CUSTOM
7	7	28	29	34	(SEE PLAN)

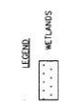
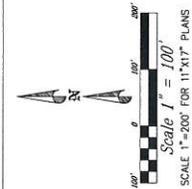
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WATTS ENTERPRISES
MIDWAY SPRINGS
PRELIMINARY
SITE PLAN

BERG ENGINEERING
Riverside Group LLC
1801 Main St., Suite 200
Midway, MO 64579
PH: 417.332.9799

DESIGNED BY: _____
DATE: 08/20/2014
DRAWN BY: CMB
SHEET 2





PLANT SCHEDULE

SYMBOL	COMMON NAME / BOTANICAL NAME
[Green Swatch]	1,275,838 - Kentucky Bluegrass / Poa pratensis
[Yellow Swatch]	1,704,154 - Native Grasses (Native Grasses Mix, Festuca, Mountain Blume)
[Tree Symbol]	ORNAMENTAL TREES Chestnut, Gambel Weir (Chokeberry), Chokeberry (Honeycrisp Pear)
[Tree Symbol]	STREET TREE Greeneye Little Leaf Linden, Katschki Seedling Green Ash, Suburbaner Flamingo (Lace), Standard Cotoneaster
[Tree Symbol]	PERENNIAL TREES Syringa, White Fir
[Tree Symbol]	SHRUB TREES Rocky Mountain Maple, Chokeberry, Common Juniper

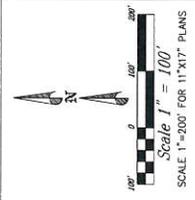
UNIT PAD SIZES

86	8	28	29	34
55,467	55,745	60,740	60,745	60,745
CUSTOM (SEE PLANS)				

WATKINBERG
MIDWAY SPRINGS
PRELIMINARY
LANDSCAPE PLAN

BERG ENGINEERING
Resources Group LLC
3801 Main St, Suite 200
Midway, KY 40341
PH: 502.851.9999

DESIGNED BY: FHB
DATE: 3/20/2017
DRAWN BY: CBE
REV: 8



LEGEND

WETLANDS	WETLANDS
PHASE 1	PHASE 1
PHASE 2	PHASE 2
PHASE 3	PHASE 3
SUBDIVISION	PLD
20	11
0	40
0	25

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WATSON ENTERPRISES
 MIDWAY SPRINGS
 PRELIMINARY
 PHASING PLAN

BERG
 ENGINEERING
 1000 N. TAYLOR
 SUITE 100
 MIDWAY, MISSOURI 64579

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