



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: November 10, 2020

NAME OF PROJECT: Scotch Fields PUD Phase 2

NAME OF APPLICANT: Bill Probst

AGENDA ITEM: Plat Amendment of Phase 2 Common Area

LOCATION: 330 West Canyon View Lane

ZONING DESIGNATION: RA-1-43 zone

ITEM: 4

Bill Probst, agent for Scotch Fields HOA, is requesting a plat amendment of Scotch Fields Phase 2. The proposed amendment would create a private road easement that would connect Canyon View Lane to property to the north owned by Clark Investment Group LLC for a potential future road. The area of the easement is 0.14 acres. The property is located at 330 West Canyon View Lane.

BACKGROUND:

Bill Probst is proposing a plat amendment to Scotch Fields PUD Phase 2. The proposed amendment would create a 56' wide road easement that would connect Canyon View Lane to the property to the north owned by Clark Investment Group LLC (about 26 acres). If the plat amendment is approved, a road could be built on the property that would act as an access for future development on the Clark property.

A plat amendment is a legislative item, and the City Council is not obligated to allow any changes even if they feel that the applicant complies with the requirements of the Code.

ANALYSIS:

For the Land Use Authority to approve a plat amendment Utah State Code dictates that the Land Use Authority consider the petition in a public meeting. The City Council should consider if the proposal is in the best interest of the community and if the petition matches the vision of Midway as described in the General Plan. The General Plan describes, among many things, the preservation of open space and the rural atmosphere of Midway and it also encourages economic development to create a tax base to benefit the residents of Midway. There are a several items that should be considered with this proposal.

- The Clark property is currently in the jurisdiction of Wasatch County. The property could be developed in the County, but the lack of culinary water source will, most likely, push a future developer to petition for annexation. If the property were to develop in the County, the zoning would be RA-1 (acre lots) with no commercial development. It is possible that the City could annex the property. According the land use map, the property could be annexed as either RA-1-43 or as Recreational Resort Zone (RZ). Development using the RA-1-43 zone, without a second access, would be limited to 11 lots. With a second access, that number would increase but it would still be limited because a large area of the property is covered by sensitive lands including slopes greater than 25%, wetlands, and stream corridors from two on-site springs. If the property were developed without a second access as RZ, then development would also be limited to 11 residential unit/lots and some commercial. The commercial would be limited because of the second point of access. If the property were developed as RZ with a second point access, there could be many residential units and commercial development on the property. The second point of access makes the potential density and intensity of development much greater on the property.
- The City does not have an obligation to do anything to help the Clark property develop since the property is located in Wasatch County's jurisdiction but if the City feels the development meets the goals of the General Plan then the property should be annexed.
- The General Plan promotes open space and a rural atmosphere. If these were the items considered, then the allowing a second point of access through Scotch Fields would not be a high property. The General Plan also promotes economic development, and this property could be zoned RZ which required commercial development.
- If the plat amendment is approved, staff is recommending that an additional area of public trail easement is dedicated allowing the existing public trail to cross the road perpendicularly which will create a safer crossing for pedestrians. The trail would need to be built by the future developer when the road is built.

- The Scotch Fields PUD requires 50% open space. If the amendment is approved, then the development will not have the enough open space. The centerline of road through the common area is 178 feet long. The width of the proposed road from back of curb to back of curb would be 34 feet. The proposed road would remove 0.14 acres of open space. The approved master plan amendment from earlier this year contains 27.72 acres of open space for 50.05% of the 55.39-acre project. If 0.14 acres is removed for the road, the total open space is reduced to 27.58 acres or 49.79% of the project. To resolve this issue the applicant is proposing the following:
 - The Clarks would have to dedicate open space to Scotch Fields to replace the lost open space. This dedication could be part of a development plan for the Clark property. As Probst / Higley developers work with potential buyers of the Clark property, they need some assurance from Midway City that a plat amendment to allow for the road would be approved which is why an application has been submitted. A condition of the plat amendment approval could be that Clark transfer open space to Scotch Fields prior to recording of the amended plat.
- If the plat amendment is approved, staff suggests there is a condition that if a public road is built on the easement that the Scotch fields HOA dedicates the property to the City. If the road built is a private road then no dedication would be required.

No public street, right-of-way, easement will be vacated or altered. The public utility easement that currently is in place in the site of the proposed road easement would remain of the amendment is approved.

PROPOSED FINDINGS:

- Allowing the plat amendment would increase the potential density and intensity of development on the Clark property.
- With a second point of access, the Clark property could have more commercial development that would create more tax base and, potentially, more rental rooms that would help the City to continue to comply with State requirements for the resort tax.
- Future development on the Clark property, with only one point of access, will have less density and have more open space.
- The City Council has full discretion regarding this type of plat amendment.

ALTERNATIVE ACTIONS:

1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission finds there is good cause to approve the proposal.

- a. Accept staff report
 - b. Reasons for approval (findings)
 - c. Place condition(s) if needed
2. Continuance. This action can be taken if the Planning Commission finds 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 finds that the request does not meet the intent of the General Plan.
- a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial



