Midway City Council 3 October 2023 Regular Meeting

The Hideout
Density Reduction Subdivision /
Preliminary & Final Approval



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: October 3, 2023

NAME OF PROJECT: The Hideout - Density Reduction Subdivision

NAME OF APPLICANT: Berg Engineering

PROPERTY OWNER: Gina Marie Honey Trust

AGENDA ITEM: Preliminary/Final Approval

LOCATION OF ITEM: 170 South Fox Den Road

ZONING DESIGNATION: R-1-11

ITEM: 11

Berg Engineering, agent for Gina Marie Honey Trust, is requesting preliminary/final approval of a 2-lot density reduction subdivision to be known as The Hideout subdivision. The two lots total 1.79 acres and are located at 170 South Fox Den Road and are in the R-1-11 zone.

BACKGROUND:

This request is for preliminary/final approval of a Density Reduction Subdivision (DRS) on 1.79 acres which will contain two lots. The proposed name of the subdivision is The Hideout - Density Reduction Subdivision. The proposal will help preserve the property by creating a low-density development with more open area than could be developed using the standard subdivision code which, in turn, helps contribute to the country/rural atmosphere of the area. Currently, there is a dwelling on the property and a garage that was converted to a dwelling without City approval by a previous owner of the property. All setbacks from the dwellings to the proposed lot lines will need to comply with the

setbacks as outlined in the R-1-11 zone. According to the information provided by the applicant, it appears that the dwellings will comply with the front, rear, and side setbacks.

The current owners represent that they purchased the property with the assumption that there were two legal dwellings on the property. After purchasing the property, they approached the City and it was discovered that one of the dwellings had never been approved by the City. The structure at issue had originally been approved as a detached garage but was later converted to a dwelling without City approval. The sewer and culinary water connections to the unpermitted dwelling run through the permitted dwelling on the property. The property owners are now pursuing approval of a Density Reduction Subdivision to create a legal lot for the dwelling in question.

The DRS was adopted by the City Council on November 17, 2020. The purpose of the DRS is to incentivize developers to voluntarily reduce the number of home sites per acre in exchange for simplified development infrastructure requirements. The subdivision code also helps meet the General Plan's goals of preserving open space, lowering potential density, and preserving the country/rural atmosphere of Midway.

The DRS requires density to be reduced by 2/3 the density allowed by the zone. Lots can be created without requiring the construction of much of the cost prohibitive infrastructure but in return, the lots are deed restricted so that they can never be resubdivided. One lot must meet the frontage requirements as outlined in the R-1-11 zone, but access to all others is allowed from a private driveway that connects to a City standard road. The ongoing maintenance cost to the City for this type of development is minimal since no new public roads are constructed.

A new water lateral will be installed from the water main under Fox Den Road for the proposed lot. The Midway Sanitation District has approved an exemption that the current sewer lateral will continue to serve both dwellings. Impact fees, connection fees, and inspection fees for the dwelling will all need to be paid before the recording of the plat. Water rights have been evaluated by staff and the Water Board has recommended that 4.3 acre feet is dedicated before the plat is recorded. Also, since the conversion of the structure from a garage to a dwelling was never inspected, the City has required the property owners contract with a licensed inspector to determine any issues that need to be addressed regarding the structure's compliance with the International Building Code. The owners contracted with Quinn Davis, a licensed inspector, to identify issues and to fix any problems that were identified. Mr. Davis created a list of all of the issues. The applicants have now addressed all the identified issues and Mr. Davis has provided a document verifying the structure's compliance (see attached).

LAND USE SUMMARY:

- 1.79-acre parcel
- R-1-11 zoning
- Density Reduction Subdivision
- Proposal contains two lots (deed restricted from further subdividing)
- Both lots have frontage along Fox Den Road
- The property currently has a connection to Midway City's culinary water line, Midway Sanitation District's sewer line, and Midway Irrigation Company's secondary water line. The unapproved dwelling, if the proposal is approved, will also connect directly to the same services.
- Sensitive lands none identified

ANALYSIS:

Access – Both lots will have frontage and direct driveway access to Fox Den Road. The driveway width requirement is 20'. Currently 16.3' is the width shown on the plat for the driveway to lot 2. Another 3.7' is required to meet the driveway width requirements and must be shown on the plat as an access easement across lot 1.

Culinary Water Connection – The lots will connect to the City's water lines located in the area.

Fire Flow – Currently, there is a fire hydrant located on the southeast corner of the property which does comply with distance requirements for a structure to a fire hydrant.

Secondary Water Connection – The property is currently connected to Midway Irrigation Company's water system, and this will continue with the new development. The new lot will have a lateral installed so that it has its own service. The applicant has not yet provided a "will-serve letter" from Midway Irrigation Company.

Sewer Connection – The Midway Sanitation District has approved an exemption that the current sewer lateral will continue to serve both dwellings.

Sensitive Lands – The applicant has not identified any sensitive lands that are part of the proposed development.

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Density – The 1.79-acre parcel is wholly located in the R-1-11 zone. DRS in the R-1-11 zone are allowed a maximum density of 1.3 lots per acre. Based on the current acreage, the maximum density allowed would be 2.3 lots.

Future planned 400 East – The City has planned a future road connection of 400 East from Main Street to Michie Lane. This connection is one of the more important connections on the City's Master Street Plan because it will connect Main Street and Michie Lane which will allow for greater flexibility for travel around Main Street. Also, a traffic signal is planned for the intersection of 400 East and Main Street and is planned for installation in 2024 which will make the future planned 400 East even more important. The west end of The Hideout proposal lies in the projected right-of-way of the planned road. The DRS code does not require construction of the road, but it does require dedication of the right-of-way. The dedication for the future road has been included on the proposed plat.

Deed Restrictions – The approved lots on the 1.79 acres within the plat will be deed restricted so no further subdividing of any kind will be allowed within the subdivision plat. The density of the 1.79 acres will never be more than two dwellings, one per lot. A note will also be placed on the plat indicating the restriction. Deed restrictions will also be recorded towards the lots immediately after the plat is recorded so all future landowners will know of the restrictions before the property is purchased. Even once 400 East is constructed, and lot 2 has direct frontage on the future road, subdividing the property will not be an option. The deed restriction language will state something similar to the following:

1. Any further subdividing of the lot is prohibited.

The deed restriction prohibiting further subdivision of the lots within the development is created for the benefit of all of the lots within the development, all of the neighboring lots to the development, and Midway City. This deed restriction cannot be altered in any way without written consent from all of the above. This deed restriction is a covenant that runs in perpetuity with the land, and it shall inure to the benefit of the owners of each lot within the development, the owners of neighboring lots of the development, and Midway City, including all parties' heirs, successors or assigns.

All future owners take title subject to this Deed Restriction and shall be bound by it.

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Wardle: I make a motion that we recommend approval of the preliminary/final application of a Density Reduction Subdivision to be known as The Hideout. The proposal contains two lots on 1.79 acres. The property is located at 170 South Fox Den Road and is in the R-1-11 zone. We accept the staff report and all five conditions in the staff report.

Seconded: Commissioner Simons

Chairman Nicholas: Any discussion on the motion?

Chairman Nicholas: All in favor.

Ayes: Commissioners: Ream, Lineback, Osborne, Wardle, and Simons

Nays: None Motion: Passed

WATER BOARD RECOMMENDATION:

This proposal was reviewed by the Water Board on December 5, 2022. The Water Board made the recommendation the 4.3 acre feet is required for the proposal based on the following formula:

- 1.79-acre parcel (77,972.4 sq. ft.)
- 1.76-acre lot area (76,665.6 sq. ft.)
 - Impervious area for dwelling, accessory structures, hard surfaces
 - 0.37 acres (2 x 8,000 sq. ft. = 16,000 sq. ft.)
 - Irrigated acreage
 - 1.39 acres x 3 = 4.17 acre feet
 - 0.012 acres in park strip x 3 = 0.036 acre feet
 - Total irrigated acreage 1.4 (4.2 acre feet)
- 2 culinary connections (1 existing)
 - 1.6 acre feet
- 1.5 acre feet was dedicated to the City when the home was built
- 5.8 1.5 = 4.3 acre feet requirement

POSSIBLE FINDINGS:

- The proposed lots meet the minimum requirements for the R-1-11 zone.
- The proposal does meet the intent of the General Plan for the R-1-11 zone.
- The proposal does comply with the requirements for the Density Reduction Subdivision code.
- The subdivision helps comply with the vision stated in the General Plan to preserve open space and a country/rural atmosphere.
- The lots will be deed restricted so they can never be further subdivided.
- The duration of Preliminary/Final Approval shall be for one year from the date of approval of the development by the City Council. If the Final Plat is not recorded with the County Recorder within the one-year period, the development's approval shall be voided, and both Preliminary/Final Approvals must be re-obtained to reinstate the project, unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that:
 - 1. Construction must be conducted per any new City standards in effect at the time the plat is ultimately recorded;
 - 2. The property must be maintained in a clean, dust-free, and weed-free condition always;
 - 3. Each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or
 - 4. No more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

ALTERNATIVE ACTIONS:

- 1. <u>Approval (conditional)</u>. This action can be taken if the City Council finds that the proposal complies with the intent of the land use code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

- 2. <u>Continuance</u>. This action can be taken if the City Council 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. <u>Denial</u>. This action can be taken if the City Council finds the request does not comply with the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITIONS:

- 1. The deed restrictions that will be recorded towards the lots must be submitted to the City for review and recorded immediately after the plat is recorded.
- 2. A note on the plat is included with language that clearly states that subdividing the lots is strictly prohibited.
- 3. Water rights must be dedicated before the recording of the plat.
- 4. Impact fees, connection fees, and inspection fees for the unapproved dwelling unit and new lot must be paid before the recording of the plat.
- 5. A 3.7' wide access easement must be shown on the plat across lot 1 providing the 20' driveway width required for lot 2.

Midway City Corporation

Mayor: Celeste T. Johnson

City Council Members Lisa Orme • Jeffery Drury J.C. Simonsen • Steve Dougherty Kevin Payne



75 North 100 West P.O. Box 277 Midway, Utah 84049

Phone: 435-654-3223 Fax: 435-654-4120 midwaycityut.org

September 12, 2023

Midway City Attn: Michael Henke 75 North 100 West Midway, Utah 84049 (Sent via e-mail)

Subject: The Hideout, A Density Reduction Subdivision - Preliminary & Final Review

Dear Michael:

The Midway Engineering department recently reviewed the above development plans for Preliminary/Final Approval. The proposed development is located near 170 Fox Den Road. The entire development contains 1.79 acres and contains 2 lots. The following comments should be addressed with Final approval.

Water

The proposed development will be served from the Gerber Mahogany Springs zone. A new water lateral will be installed to serve the back lot.

Irrigation

• Both lots will be served by pressurized irrigation.

Roads

The lots will front Fox Den Road, a public road.

Trails

Due to the existing sidewalk adjacent Fox Den Road no trails are proposed.

Storm Drain

• The existing curb & gutter will contain the storm drain.

Sincerely,

cc:

Wesley Johnson, P.E.

Midway City Engineer

Berg Engineering (sent via email)

Midway City Corporation

Mayor: Celeste T. Johnson
City Council Members
Lisa Christen • Jeffery Drury
J.C. Simonsen • Steve Dougherty
Kevin Payne



75 North 100 West P.O. Box 277 Midway, Utah 84049 Phone: 435-654-3223 Fax: 435-654-4120

midwaycityut.org

The Hideout Subdivision Final Approval

September 5, 2023

Michael Henke Midway City Planning Director,

I have reviewed the final plans for The Hideout Subdivision for compliance with the 2018 International Fire Code (2018 IFC). The proposed plan meets the fire code requirements in the 2018 IFC including Appendix D for fire apparatus access. I have no fire code concerns with these preliminary plans that have already been approved by the Midway City Planning Commission and are now awaiting preliminary approval from the Midway City Council.

Tex R. Couch CBO/MCP

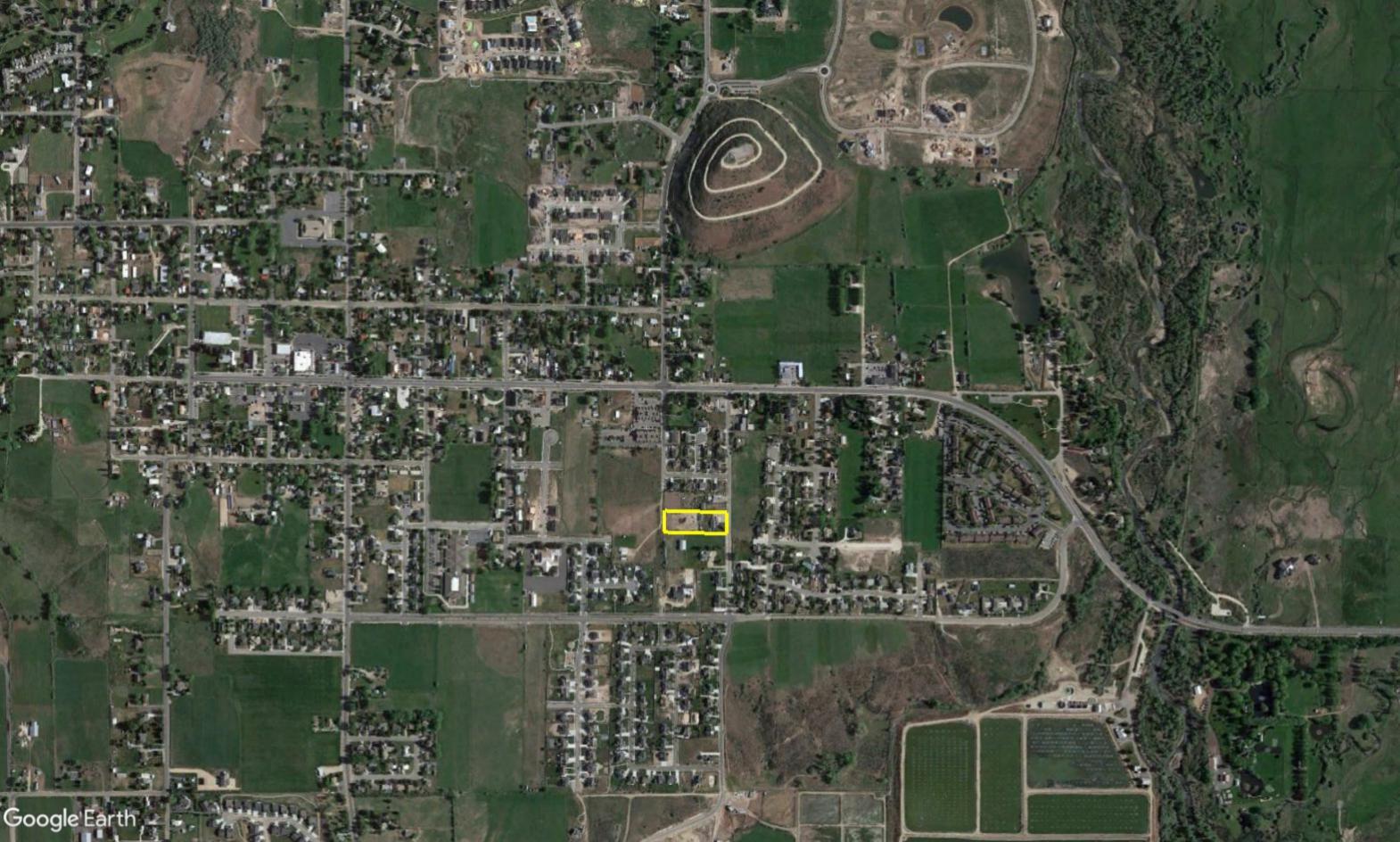
Midway City Building Official/Fire Marshal

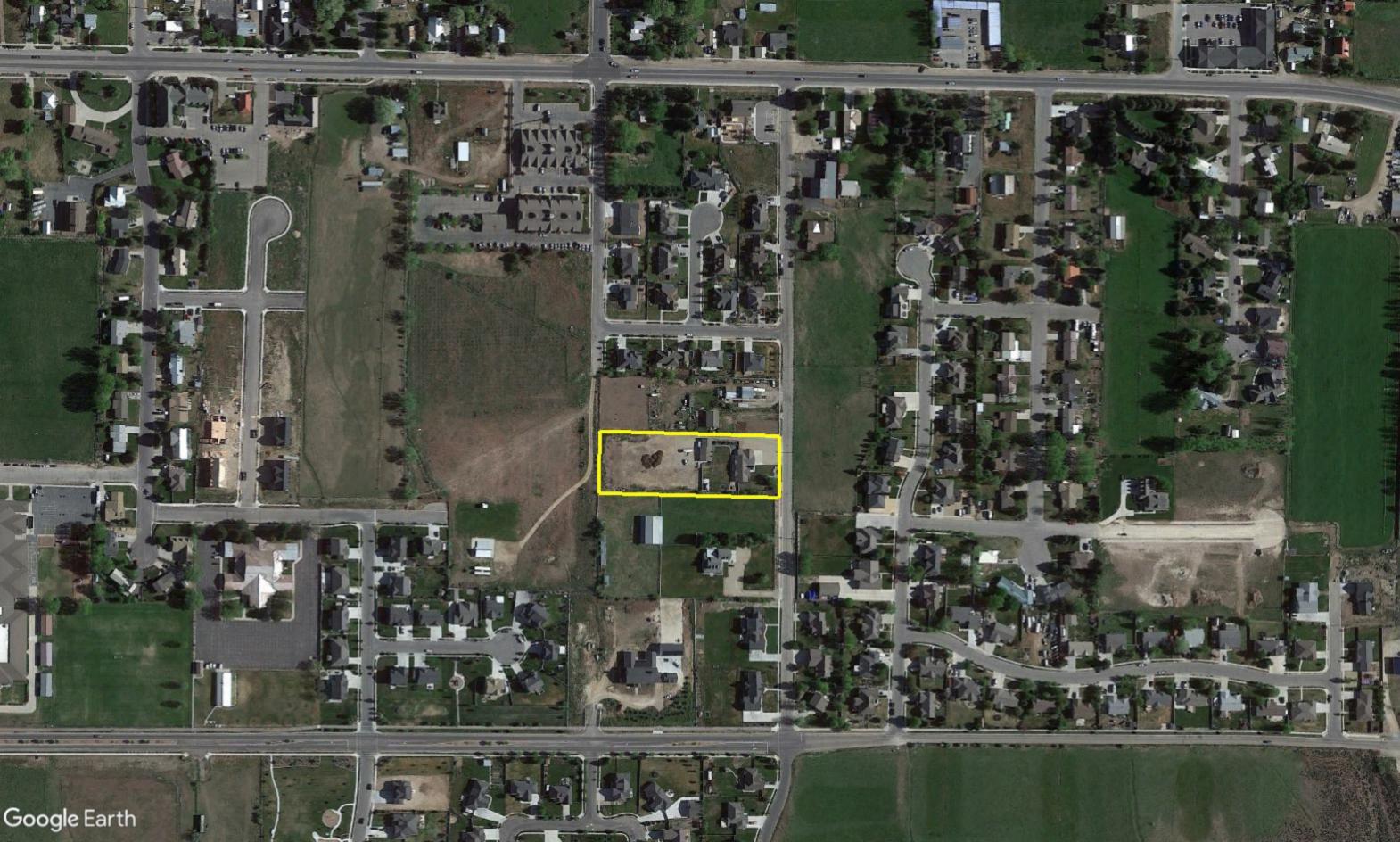
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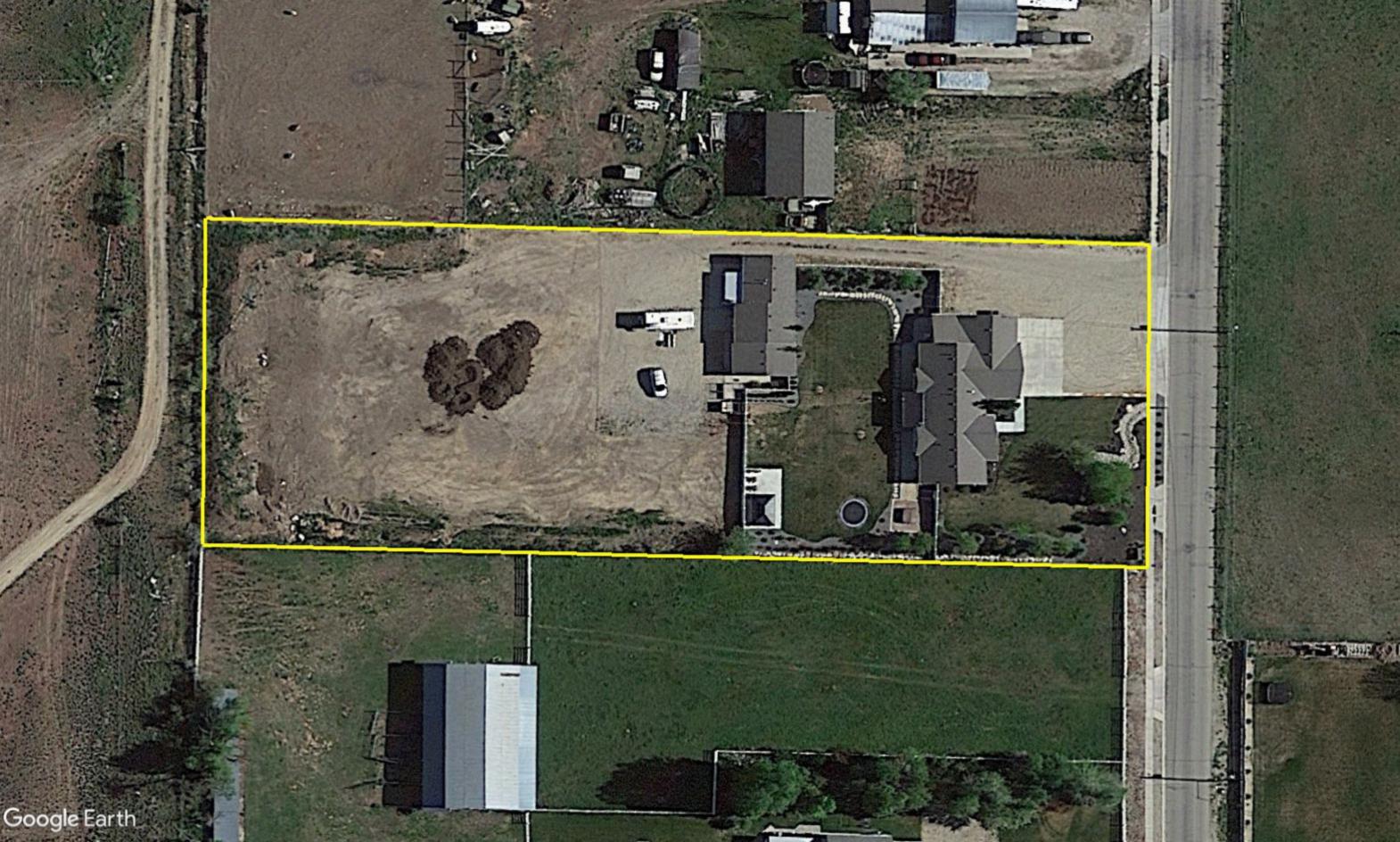
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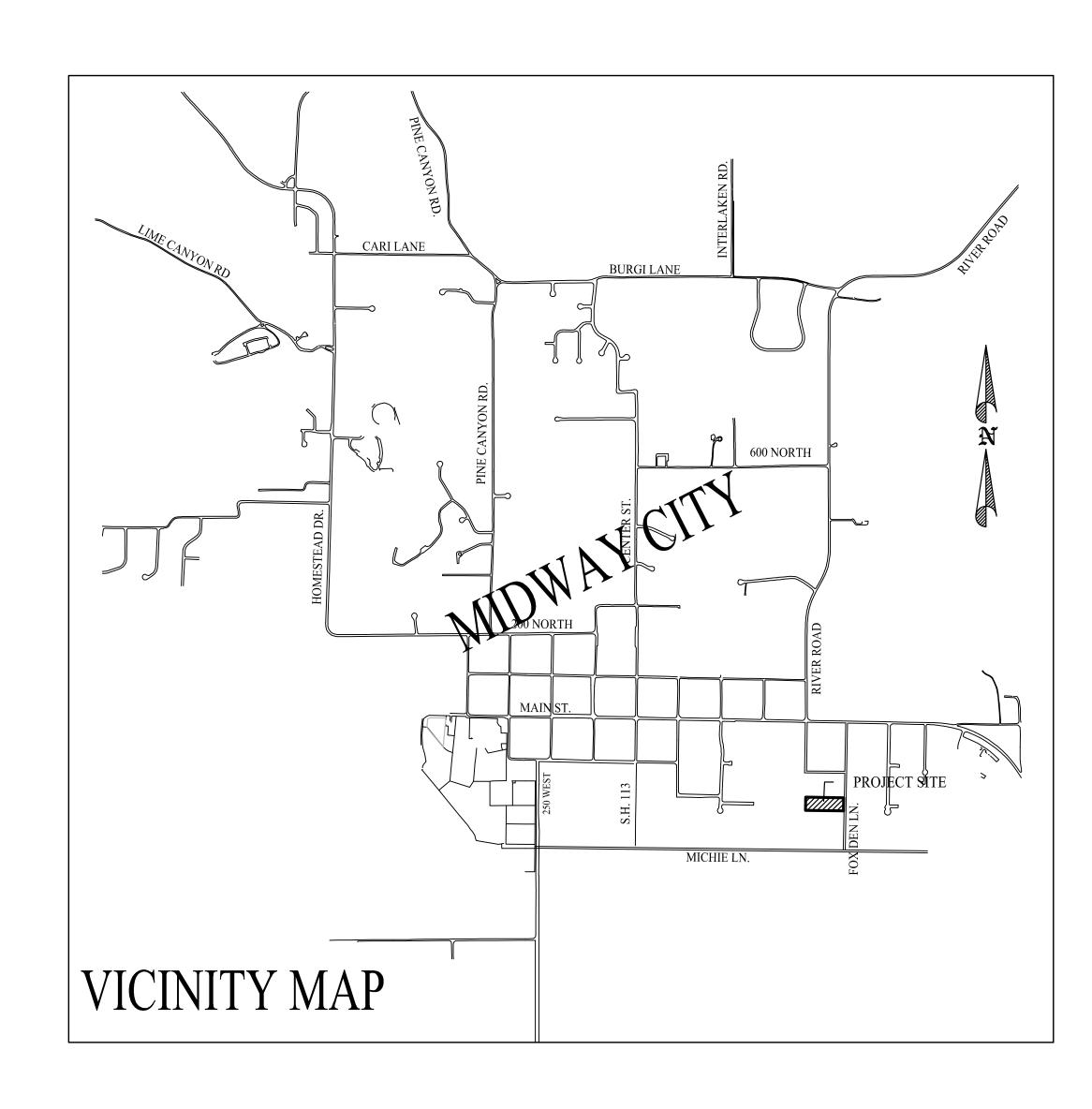
(435)654-3223 Ext. 107







THE HIDEOUT A DENSITY REDUCTION SUBDIVISION



SHEET INDEX

- EXISTING CONDITIONS MAP
- 2. DENSITY REDUCTION SUBDIVISION PLAT
- 3. UTILITY PLAN
- 4. UTILITY DETAILS

THIS DOCUMENT IS INCOMPLETE AND IS RELEASED TEMPORARILY FOR INTERIM REVIEW ONLY. IT IS NOT INTENDED FOR CONSTRUCTION, BIDDING, OR PERMIT PURPOSES. PAUL D. BERG P.E. SERIAL NO. <u>295595</u> DATE: <u>18 NOV 2022</u>

GINA HONEY THE HIDEOUT

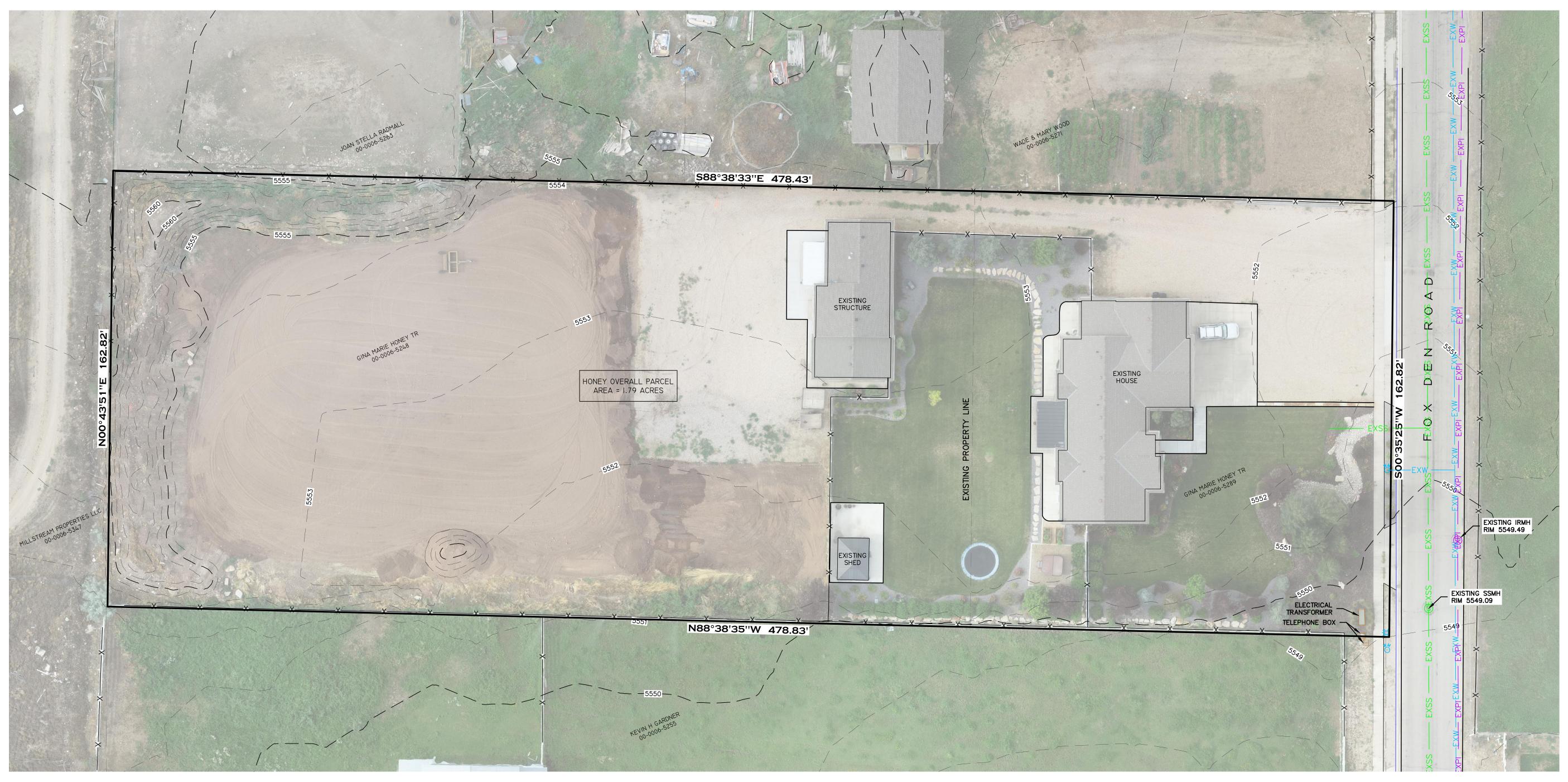
COVER SHEET



DESIGN BY: PDB DATE: 18 NOV 2022 DRAWN BY: DEJ

BLUE STAKE NOTE

LOCATION OF EXISTING UTILITIES SHOWN ON PLAN ARE APPROXIMATE AND MAY BE INCOMPLETE. CONTRACTOR IS RESPONSIBLE FOR BLUE STAKING OF UTILITIES.



SCALE: 1"=20'

GINA HONEY THE HIDEOUT

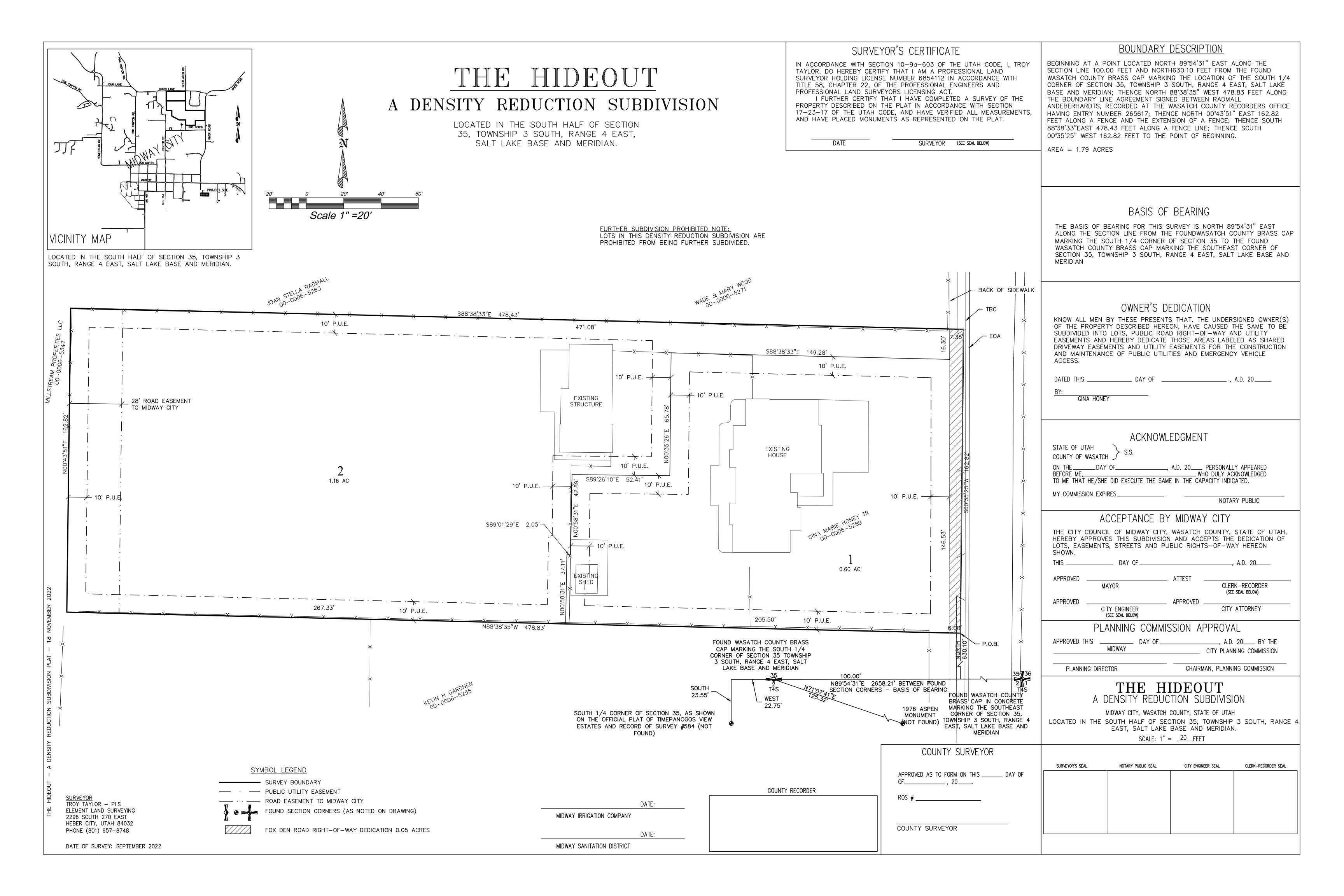
EXISTING CONDITIONS



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DESIGN BY: PDB DATE: 18 NOV 2022 DRAWN BY: DEJ REV:



BLUE STAKE NOTE:

LOCATION OF EXISTING UTILITIES SHOWN ON PLAN ARE APPROXIMATE AND MAY BE INCOMPLETE. CONTRACTOR IS RESPONSIBLE FOR BLUE STAKING OF UTILITIES.

PRESSURIZED IRRIGATION NOTES:

ALL PRESSURIZED IRRIGATION IMPROVEMENTS SHALL MEET MIDWAY IRRIGATION COMPANY STANDARDS & SPECIFICATIONS.

——EXW —— —— EXSS —— —— EXPI ——

<u>LEGEND</u>

PROPOSED SEWER PROPOSED PRESSURIZED IRRIGATION **EXISTING WATER**

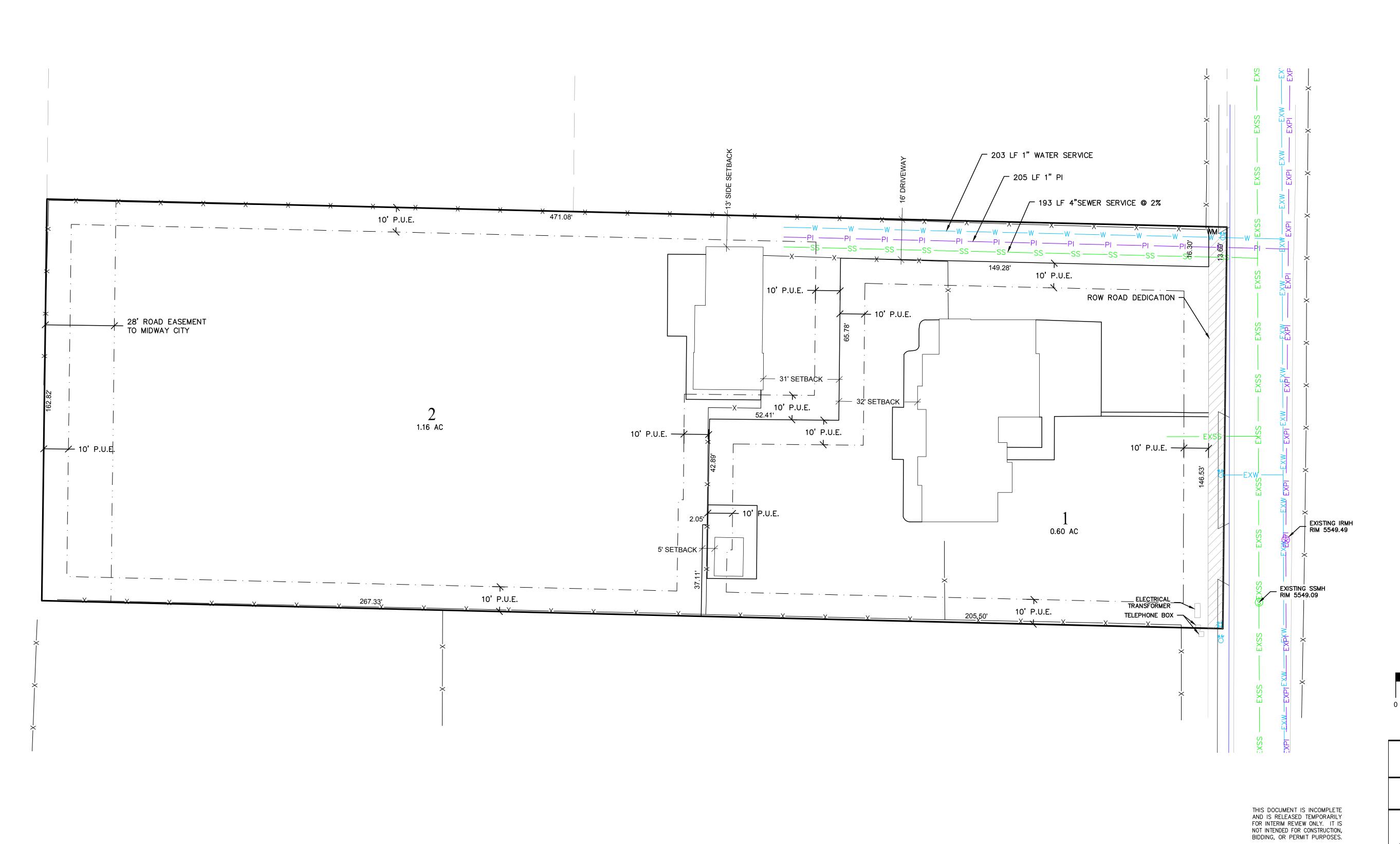
EXISTING SEWER EXISTING PRESSURIZED IRRIGATION WATER METER

PROPOSED WATER

<u>SEWER NOTES:</u>ALL SEWER IMPROVEMENTS SHALL MEET MIDWAY CITY STANDARDS & SPECIFICATIONS

WATER NOTES:

- ALL WATER IMPROVEMENTS SHALL MEET MIDWAY CITY STANDARDS & SPECIFICATIONS.



SCALE: 1"=20'

GINA HONEY THE HIDEOUT

UTILITY PLAN

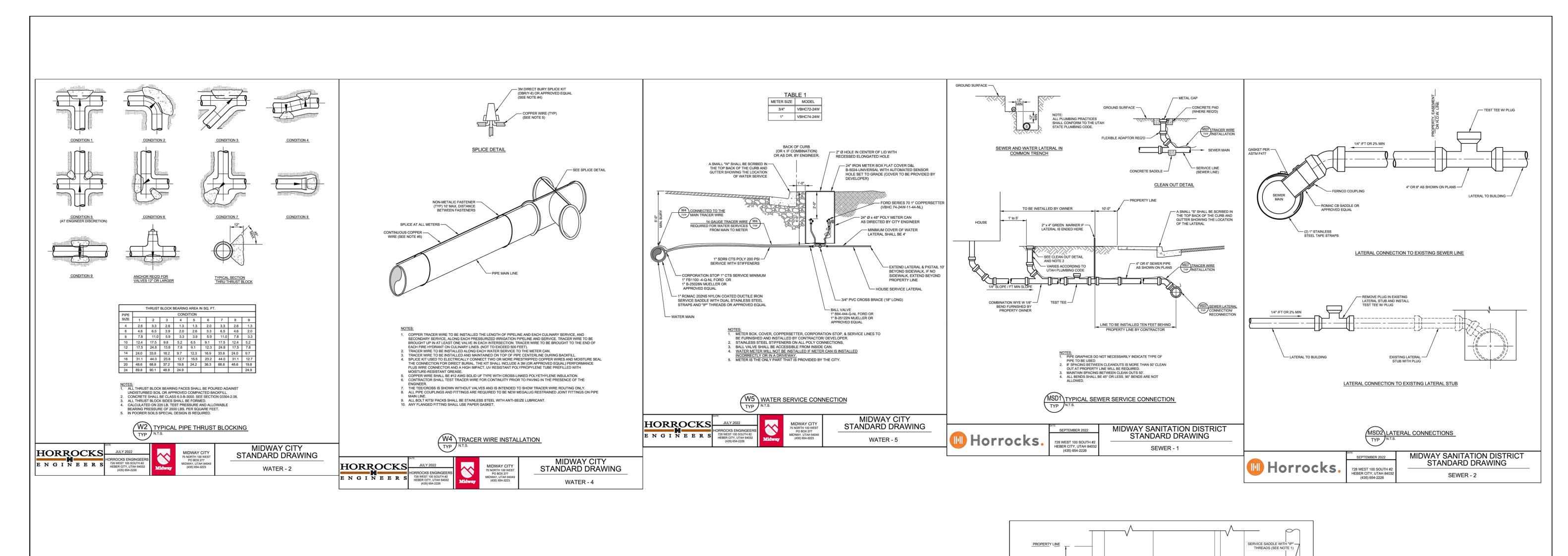


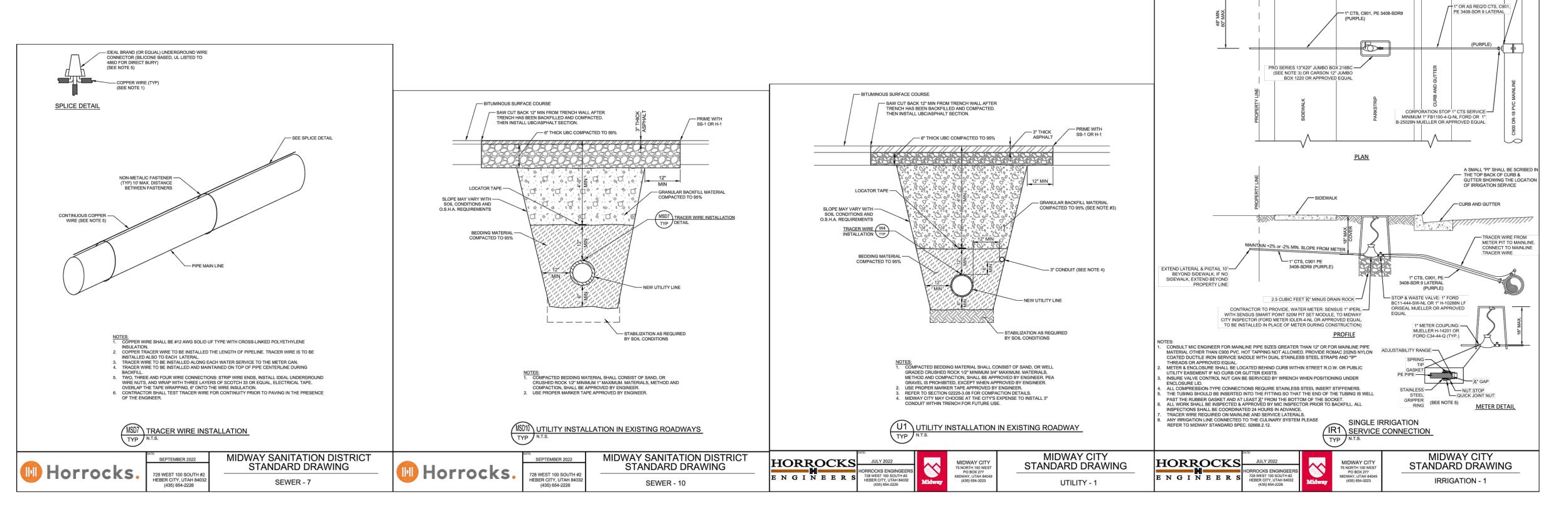
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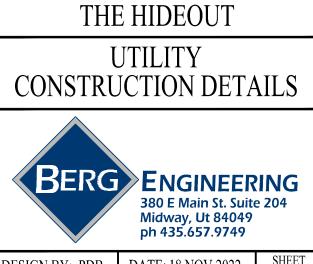
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SERIAL NO. <u>295595</u> DATE: <u>18 NOV 2022</u>

DESIGN BY: PDB DATE: 18 NOV 2022







GINA HONEY

path: X: \Midway\Honey_Gina\Density Reduction Subdivision\

DESIGN BY: PDB DATE: 18 NOV 2022
DRAWN BY: DEJ REV:

2 SHEET A

From: <u>Gina.Honey</u>
To: <u>Michael Henke</u>

Cc: ghpickingdaisies@gmail.com
Subject: Quinn's letter - ok for occupancy
Date: Monday, December 12, 2022 7:37:48 AM

CAUTION: This email originated from outside of the organization. Do not reply, click links or open attachments unless you recognize the sender's email address and know the content is safe.

Good morning, Michael. I hope you had a wonderful weekend!

Below is Quinn's letter.

Thanks, Gina

Begin forwarded message:

From: Quinn Davis <qdavis80@gmail.com> Date: December 9, 2022 at 1:31:14 PM MST

To: ghpickingdaisies@gmail.com

Subject: Reinspection

Gina,

Sorry I have been out of town and just listened to your voice mail.

I receive the pictures showing the remaing items have been corrected. With the corrections made the home is ok for occupancy.

Quinn Davis