Midway City Council 7 July 2020 Regular Meeting

Cozens Subdivision /
Plat Amendment /
Preliminary and Final Approval



### **CITY COUNCIL MEETING STAFF REPORT**

DATE OF MEETING:

July 7, 2020

NAME OF PROJECT:

Cozens Subdivision

NAME OF APPLICANT:

Berg Engineering

AGENDA ITEM:

Plat Amendment and Preliminary/Final Approval

**LOCATION OF ITEM:** 

840 South Stringtown Road

ZONING DESIGNATION:

RA-1-43

#### ITEM: 8

Glen Lent, agent for Albert Cozens, is proposing a plat amendment and preliminary/final approval of the Cozens subdivision. The proposal would subdivide the 3.72-acre one lot subdivision into three lots. The property is located at 840 South Stringtown Road and is in the RA-1-43 zone.

#### **BACKGROUND:**

This request is for a plat amendment and preliminary/final approval of a small-scale subdivision on 3.72 acres that will contain three lots. The Cozens subdivision plat was recorded on November 7, 2019 and contains one lot. The petition is to amend the plat and subdivide the lot into three lots. This proposal requires amending the plat and, since the lot is being subdivided, requires approval of a small-scale subdivision also. The lots proposed in the subdivision will obtain frontage along Stringtown Road. The property is in the RA-1-43 zoning district and the lots do comply with the minimum requirements of frontage, width, and acreage for a lot in this zone.

There is currently one dwelling on the property and a relatively large detached structure. The dwelling is nonconforming to current front setback requirements but is considered legal non-conforming. If the dwelling were ever demolished, then a new dwelling would need to comply with the required setbacks. The dwelling is connected to Midway's culinary water system, but it is not connected to Midway Sanitation District's sewer line because of the septic system on the property. A requirement of approval is that all three lots, including the existing dwelling, will need to connect to the sewer system. The detached structure is located on a proposed lot line. The structure will need to be removed before the plat is recorded. This is required because the structure cannot be located on two lots.

There are sensitive lands present on the property. Snake Creek runs through the northeast section of the property. A FEMA floodplain accompanies Snake Creek which requires a 50' setback or any structures from the edge of the delineated floodplain. The submitted plans do show the floodplain with the required 50' setback.

#### LAND USE SUMMARY:

- 3.72-acre parcel
- RA-1-43 zoning
- Proposal contains three lots
- Frontage on Stringtown Road
- Sensitive lands include floodplain
- The lots will connect to the Midway City's culinary water line, Midway Irrigation Company's secondary water line, and Midway Sanitation District's sewer line

#### **ANALYSIS:**

Sensitive lands – Snake Creek runs through the property and has a FEMA floodplain associated with it. A 50' setback is required for all structures from the FEMA floodplain. No structures may be in this area, but the setback area may be filled and landscaped. Landscaping is allowed in the FEMA flood area, but nothing is allowed that will modify the FEMA flood zone, this includes placing rocks or fill of any type in this area that impacts the functionality of the floodplain.

*Water Connections* – The two new lots will connect to the City's water line along Stringtown Road. The existing structure is already connected to the City's water system. The developer is required to install the two required sewer laterals.

Sewer Connections – The three lots, including the existing structure, are required to connect to Midway Sanitation District's sewer system. The developer will install a sewer main from Wards Lane to the development and will also install the sewer laterals for the three lots.

Secondary Water Connections – The lots will connect to Midway Irrigation Company's secondary water line which already services the area.

Setbacks – The small-scale subdivision code requires a 50' setback is required for any structures built in the proposal from the front property line along Stringtown Road. The required setback will be noted on the plat, the same as it is currently noted on the current plat.

Bike Lane – The master trail plan shows an attached asphalt bike trail along Stringtown Road. Staff is proposing that the funds to build the bike lane are added to the general trails fund and that the bike lane is completed in the future as part of a larger improvement project that will complete the bike lanes along the entirety of Stringtown Road.

Existing Accessory Structure – There is a relatively large accessory structure located on the property that is titled "barn" on the plans which is located on a proposed lot line between lots 2 and 3. The structure will need to be removed before the plat is recorded because the structure cannot be located on two lots.

Driveway Access to Lot 1 – Lot 1 has frontage on Stringtown Road but direct access from Stringtown Road requires crossing Snake Creek. This, in turn, requires a stream alteration permit. The developer is proposing an alternative option for access which includes recording an access easement across lot 2. The easement could be either dedicated on the plat or a separate document could be recorded concurrently with the recording of the plat. The developer prefers that a separate easement document is recorded which would avoid a future plat amendment to remove the easement if the owner of lot 3 ever receives approval for a stream alteration permit and creates a direct access on lot 1 to Stringtown Road.

#### PLANNING COMMISSION RECOMMENDATION:

**Motion:** Commissioner McKeon: I make a motion that we approve the plat amendment of the Cozens subdivision and accept the staff report and the findings conditions listed in the staff report that states that the funds to build the bike lane are added to the general trails fund and that the bike lane is completed in the future as part of a larger improvement project that will complete the bike lanes along the entirety of Stringtown Road.

**Seconded:** Commissioner Whitney

Vice-Chairman Bouwhuis: Any discussion on the motion?

There was none

Vice-Chairman Bouwhuis: All in favor.

Ayes: Commissioners: Ream, McKeon, Whitney

Nays: Commissioner Bouwhuis

Motion: Passed

#### WATER BOARD RECOMMENDATION:

The Water Board reviewed the proposal to subdivide the existing lot to three lots during their June 1, 2020 meeting. The recommendation is that 10.9-acre feet are required for the proposal. The applicant already dedicated 10.5-acre feet before the recording of the current plat so the dedication requirement for the current proposal is 0.4-acre feet. Secondary water meters are also required for each lot.

#### POSSIBLE FINDINGS:

- The proposed lots do meet the minimum requirements for the RA-1-43 zoning district
- The proposal does meet the intent of the General Plan for the RA-1-43 zoning district
- The subdivision will contribute to the master trails plan by adding funds the general trails fund that will be used to help complete the master trails plan

#### **ALTERNATIVE ACTIONS:**

- 1. <u>Approval (conditional)</u>. This action can be taken if the City Council finds 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. <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 that the request does not comply with the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

#### PROPOSED CONDITIONS:

- 1. The funds to build the bike lane are added to the general trails fund and that the bike lane is completed in the future as part of a larger improvement project that will complete the bike lanes along the entirety of Stringtown Road.
- 2. An access easement must be on the plat or a separate document is recorded concurrently with the plat to assure access for lot 1.
- 3. The accessory structure that is located on a proposed lot line shall be removed before the plat is recorded.

728 West 100 South Heber, UT 84032 www.horrocks.com



Heber Office Tel: 435.654.2226 Fax: 435.657.1160

June 9, 2020

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

Subject: Cozens Subdivision, - Preliminary / Final Approval, June 9, 2020

#### Dear Michael:

Horrocks Engineers recently reviewed the Cozens Subdivision plans for Preliminary and Final approval. The proposed subdivision is located at approximately 840 South Stringtown Road. The proposed subdivision consists of 3 lots. The following issues should be addressed with approval.

#### General Comments

• The small scale subdivision is not proposing to construct any new roads or public infrastructure. Depending on additional survey data, the existing sewer line at the intersection of Stringtown Road and Wards Lane should be extended to the North boundary of the subdivided plat. Due to the existing flood plain, and slopes exceeding 25-percent, the driveway to lot 1 should be shown on the plans and also the plat.

#### Water

• Each lot will connect to the existing 10" water line within Stringtown Road. This subdivision is within the Stringtown Road water extension line agreement.

#### Roads

• No new roads are proposed within the subdivision.

#### Storm Drain

 Because no new roads are being built, the existing Stringtown Road shoulder will contain the storm water.

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, (sent via E-mail)

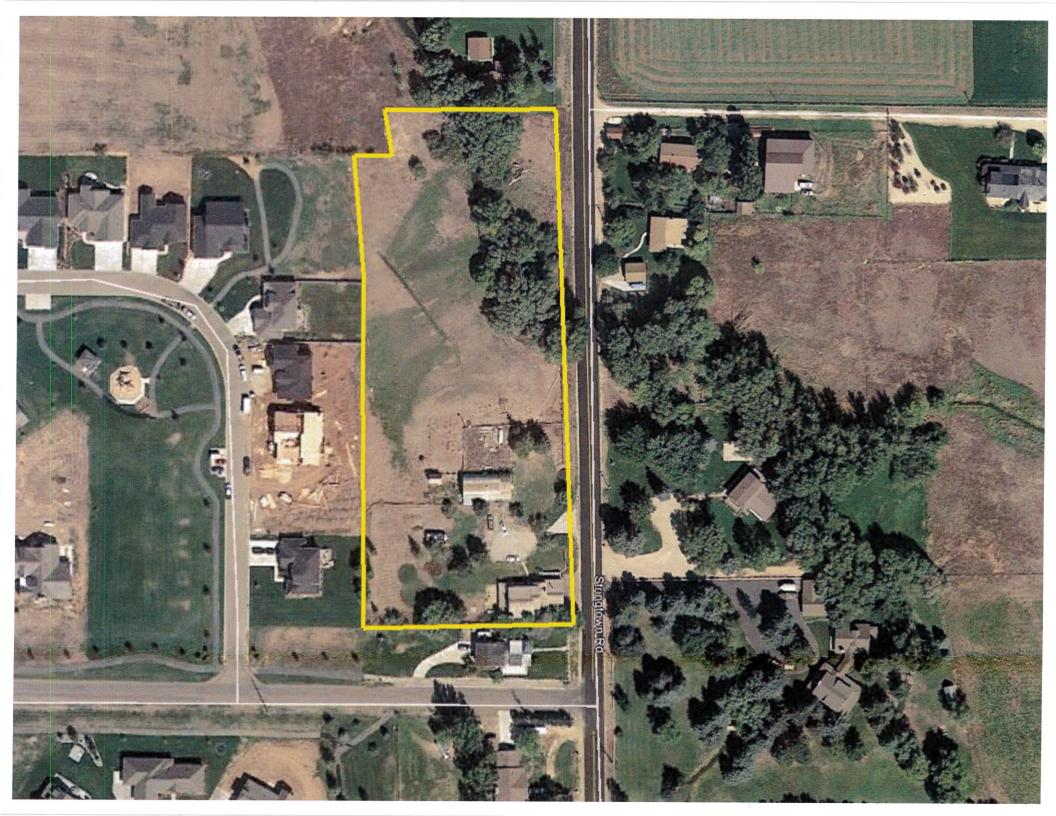
### **Exhibits**

Exhibit 1 – Location Map

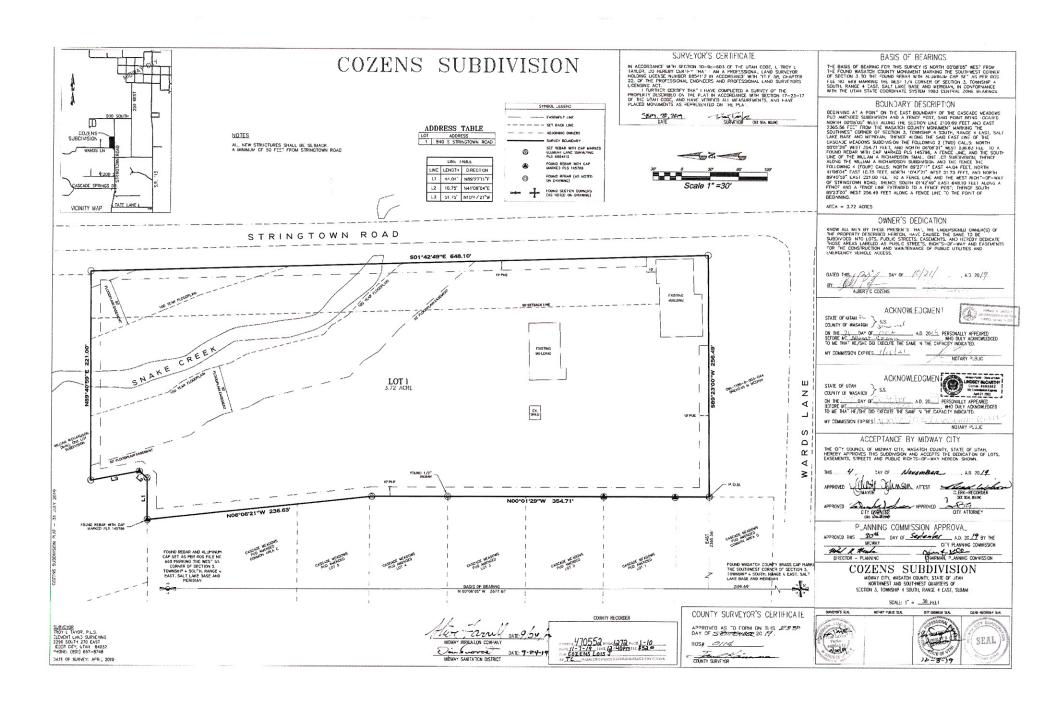
Exhibit 2 - Recorded Plat

Exhibit 3 – Proposed Amended Plans and Plat

# Exhibit 1

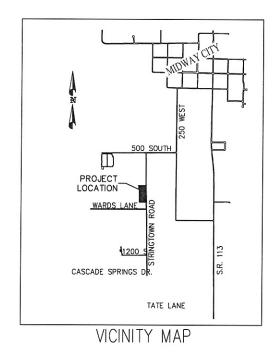


## Exhibit 2



# Exhibit 3

## COZENS SUBDIVISION PLAT AMENDMENT



### SHEET INDEX

- SITE PLAN
- 2. AMENDED PLAT
- 3. UTILITY PLAN

THE DOCUMENT IS INCOMPLETE AND IS RELEASED TEMPORARILY FOR INTERM REVISE ONLY. IT IS NOT INTERMED FOR CONSTRUCTION, BECONG, OF PERMET PURPOSES, P.A. D. BERG SEPIAL NO. 201000.

PAIR D. BERG P.E.
SERIAL NO. 203595
DATE: 12 MAY 2020

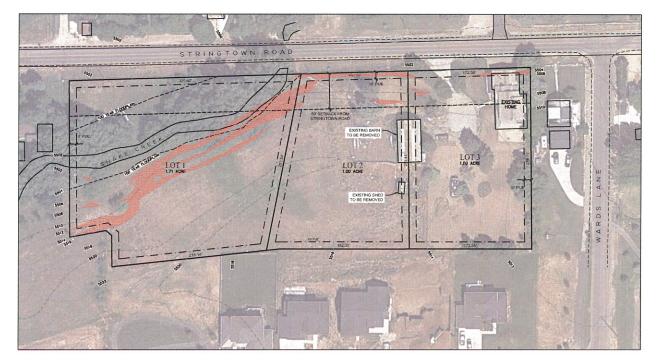
GLEN LENT THREE LOT PLAN

COVER SHEET



DESIGN BY: PDB

DATE: 13 MAY 2020 REV:



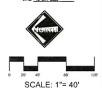
#### NOTES:

- 1 ACRE MINIMUM LOT SIZE FOR THE RA-1-43 ZONE
   150' OF STREET FRONTAGE IS REQUIRED FOR THE RA-1-43 ZONE
   NO STRUCTURES ALLOWED IN 100 YEAR FLOOD PLAIN

#### LEGEND



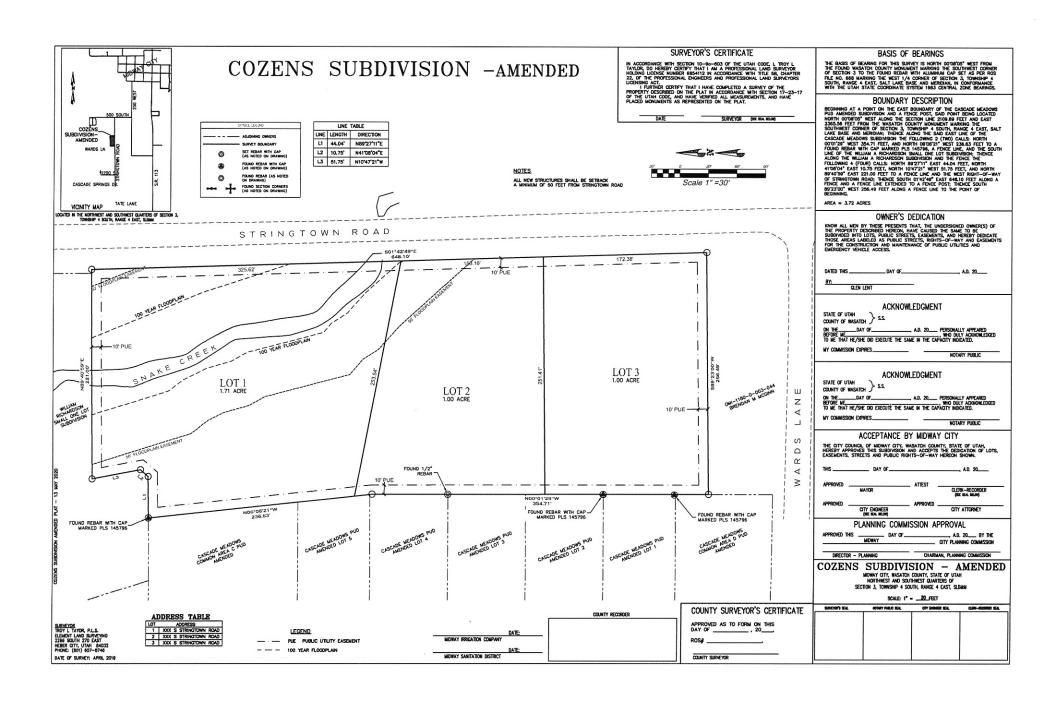
25% + SLOPES

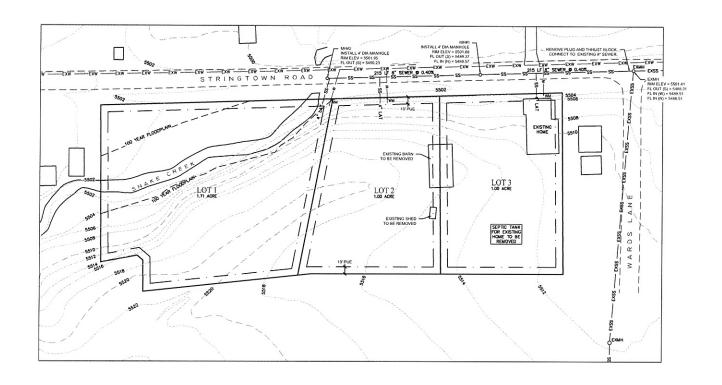


GLEN LENT THREE LOT PLAN

SITE PLAN

BERG ENGINEERING
380 E Main St. Suite 204
Midway, Ut 84049
ph 435.657.9749





#### NOTES:

- 1 ACRE MINIMUM LOT SIZE FOR THE RA-1-43 ZONE
   150' OF STREET FRONTAGE IS REQUIRED FOR THE
  RA-1-43 ZONE
   NO STRUCTURES ALLOWED IN 100 YEAR FLOOD PLAIN

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

- CULINARY WATER NOTES:

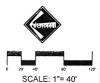
   ALL CULINARY WATER IMPROVEMENTS SHALL
  MEET MIDWAY CITY STANDARDS AND
  SPECIFICATIONS.

   ALL CULINARY WATER MAIN SHALL BE AWWA
  C900 DRIE BLUE PIPE.

SEWER NOTES:

- ALL SEWER LATERALS ARE 4"

- ALL SEWER IMPROVEMENTS SHALL MEET MIDWAY SANITATION DISTRICT SYANDARDS AND SPECIFICATIONS



THREE LOT PLAN

UTILITY PLAN



DESIGN BY: PDB DATE: 13 MAY 2020 DRAWN BY: DEJ REV: