

Midway City Council
19 September 2023
Regular Meeting

Kay's Landing Subdivision /
Second Revised Final Approval



Midway

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: September 19, 2023
NAME OF PROJECT: Kay's Landing
NAME OF APPLICANT: Berg Engineering
OWNER OF RECORD: Still Water Holdings LLC
AGENDA ITEM: Second Revised Final Approval
LOCATION OF ITEM: 1591 Stringtown Road
ZONING DESIGNATION: RA-1-43

ITEM: 8

Berg Engineering, agent for Still Water Holdings LLC, is proposing to revise final approval of a five-lot subdivision to be known as Kay's Landing. The property is 10.76 acres and is located at approximately 1375 South Stringtown Road and is in the RA-1-43 zone.

BACKGROUND:

The applicant is proposing to amend final approval of the Kay's Landing subdivision. The proposed amendment would reduce the size of lot 1 from 2 acres to 1.62 acres which is a difference of 0.38 acres. The Kay's Landing subdivision has received preliminary and final approval and the proposed plat has been reviewed and approved by staff. The developer has now asked to revise the annexation approval and the subdivision approval. The proposed revision will lower the acreage for both the annexation and the subdivision

from 11.14 acres to 10.76 acres which is a difference of 0.38 acres. The proposed adjustment will move the west boundary of the annexation acre by 60' which will affect the acreage of lot 1. This is the same lot that was discussed in the City Council meeting that contains an access easement to access to the Randall Probst property directly north of the annexation area which is in Wasatch County jurisdiction.

The reason for the proposed revision is based on an agreement between Randall Probst and the late Jeremy Pope. Randall sold the property to Jeremy based on conditions that were outlined in the purchase agreement. Jeremy purchased the property because he wanted to create a sod farm. The 60' strip of land was included in the purchase which allowed Jeremy to use the entire acreage for the sod farm but still allowed Randall to access his property located to the north. The agreement was that once Jeremy decided to develop the property, the 60' strip of land would be deeded back to Randall. Randall and his wife then left the country to serve a Church of Jesus Christ of Latter Day Saints mission in Romania. While serving their mission, Jeremy decided to develop the property. An annexation petition and a subdivision development application were submitted for the property which included the 60' strip of land. According to the purchase agreement, this 60' strip of land never should have been included in the land use applications. The proposed revision will remove the 60' strip of land from the annexation petition and the subdivision application to honor the original purchase agreement. If the City Council approves the revision, staff will review the new subdivision plat for conformity to the code. Once the plat has been reviewed, it will be sent to the County Survey for review and approval. Once all the signatures have been gathered, then the plat may be recorded. Part of this approval revision will require changes to both the annexation agreement and development agreement.

The following is the original staff report from the March 7, 2023, City Council meeting:

This request is for final approval of Kay's Landing, a large-scale subdivision on 11.14 acres that will contain five lots. All the proposed lots in the subdivision will obtain frontage along a new cul-de-sac that will be built within the subdivision. The property has been approved for annexation by the City Council and is in the process of being approved for annexation by the State. Once the property is annexed into Midway it will be zoned RA-1-43 which allows single-family dwellings on lots an acre or greater in size.

The General plan describes the RA-1-43 zone as the following:

The RA-1-43 zone (43,000 sf lot) has been established for the primary purpose of providing low-density areas in the City where livestock can be maintained. This zone is currently characterized by large lots or tracts of land with occasional dwelling units, barns, corrals, and agricultural service buildings in connection with farming operations.

LAND USE SUMMARY:

- 11.14-acres
 - 1.67 acres of open space
- RA-1-43 zoning
- Proposal contains five single family building lots
- Access to the lots is provided by a new public-cul-de-sac that will be built in the subdivision
- There are no known sensitive lands on the property
- The lots will connect to the Midway Sanitation District's sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary waterline

ANALYSIS:

Access/Roads – Access will be from Stringtown Road to a new cul-de-sac that will be dedicated to Midway. The new cul-de-sac complies with the maximum cul-de-sac length of 1,300' and maximum lot count on a cul-de-sac of eleven.

Frontage and width – The land use code requires that all lots meet the minimum frontage requirements for the zone. The RA-1-43 zone requires 150' of frontage except there is a 60' minimum for frontage if 75% of the frontage is contained within the bulb of a cul-de-sac. All lots must have at least 150' of width measured at the minimum setback for the RA-1-43 zone which is 50' for single-family dwellings. All lots appear to meet these requirements.

Trails – The developer will install an 6-8' public trail along the street from Stringtown Road to the end of the cul-de-sac.

Geotechnical Study – A Geotechnical Study has been submitted to the City. Horrocks Engineers has reviewed the study (see attached letter).

Sensitive Lands – The applicant has not identified any sensitive lands that are in the proposed development (see attached).

Culinary Water Connection – The lots will connect to existing Midway culinary water lines located in the area.

Sewer Connection – The lots will connect to existing Midway Sanitation District sewer lines located in the area.

Fire Flow - A fire hydrant will need to be located within 600' of any future dwellings, measured by the route of a fire hose from the fire hydrant to the future home site.

Secondary Water Connection – The lots will connect to Midway Irrigation Company's secondary water system which is already servicing the property. Secondary water meters are required for each lateral.

Traffic study – A traffic study is not required for this proposal since there are less than 15 lots.

Open Space – Open space has been included on the proposed plans. The required 15% (1.67 acres) open space has been included within the area of lot 1. Open space may be designated within a lot that is at least two acres in size. The portion of the lot that counts towards the required open space obligation needs to be clearly identified on the plat along with a note stating that the open space is unbuildable and clarifying what uses can occur on the open space.

Storm Water – Storm water runoff will be captured and retained onsite in a pond located on lot 5. The applicant will need to ensure that the storm drain easement on lot 5 is clearly marked on the plat. The City will maintain the right to access the pond for future maintenance and emergency access. The plat will need to include a note requiring the owner of lot 5 to provide a 10' (minimum) access gate if a fence or some other type of barrier or obstruction is proposed to be erected on the lot inhibiting access over the access easement.

WATER BOARD RECOMMENDATION:

The Water Board reviewed the proposal and made a recommendation on November 7, 2022, that 31.97 acre feet are dedicated to the City before the plat is recorded. The required water rights are sufficient for five culinary connections and the outside irrigation of the five lots based on the following formula:

- 11.14-acre parcel (485,258.4 sq. ft.)
- 9.6-acre lot area (418,176 sq. ft.)
 - Impervious area for dwelling, accessory structures, hard surfaces
 - 0.92 acres (5 x 8,000 sq. ft. = 40,000 sq. ft.)
 - Irrigated acreage
 - 8.68 acres x 3 = 26.04 acre feet
 - 0.61 acres in park strip x 3 = 1.83 acre feet
 - Total irrigated acreage 9.29 (27.87 acre feet)
- 5 culinary connections
 - 4 acre feet
- 31.87 acre feet requirement

PLANNING COMMISSION RECOMMENDATION:

Motion: Commissioner Wardle: I make a motion that we recommend approval final approval of a five-lot subdivision to be known as Kay’s Landing. The property is 11.14 acres and is located at approximately 1375 South Stringtown Road and is in the RA-1-43 zone. Accept the staff report and the one condition in the staff report.

Seconded: Commissioner Garland

Chairman Simons: Any discussion on the motion?

Chairman Simons: All in favor.

Ayes: Commissioners: Nokes, Osborne, Wardle and Garland

Nays: None

Motion: Passed

POSSIBLE FINDINGS:

- The proposal does meet the intent of the General Plan for the RA-1-43 zoning district.
- The proposal does comply with the land use requirements of the RA-1-43 zoning district.
- The application does comply with the open space requirements by designating 1.67 acres of open space has been included within the boundary of lot 1.
- The property is restricted to five lots by a private deed restriction and by the annexation agreement.
- The duration of final approval shall be for one year from the date of final approval of the development by the City Council. Should a final plat not be recorded by the County Recorder within the one-year period of time, the development’s approval shall be voided, and both preliminary and final approvals must be re-obtained, unless, on a showing of extenuating circumstances, the City Council extends the time limit for plat recording, with or without conditions.

ALTERNATIVE ACTIONS:

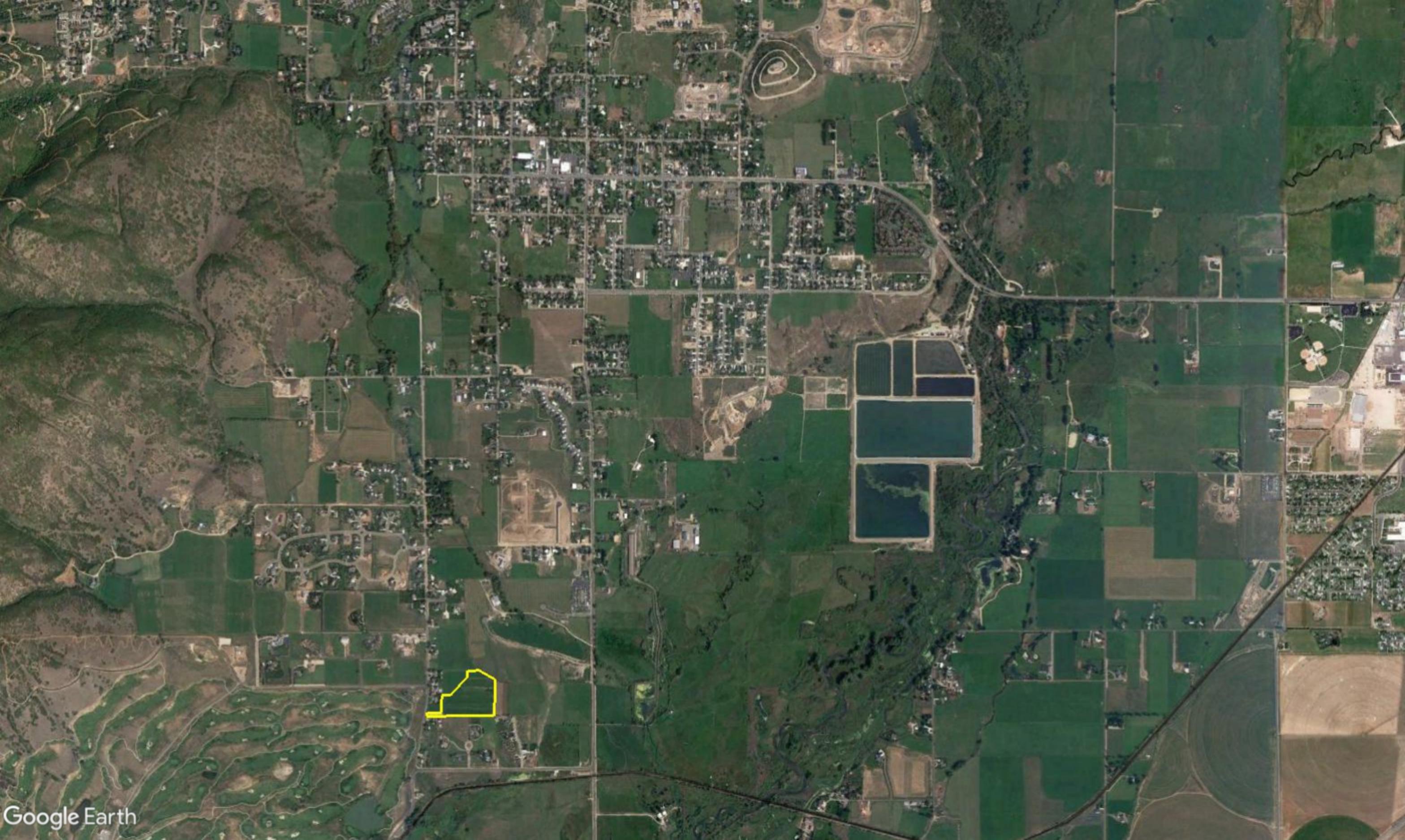
1. Approval (conditional). This action can be taken if the City Council finds that conditions placed on the approval can resolve any outstanding issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

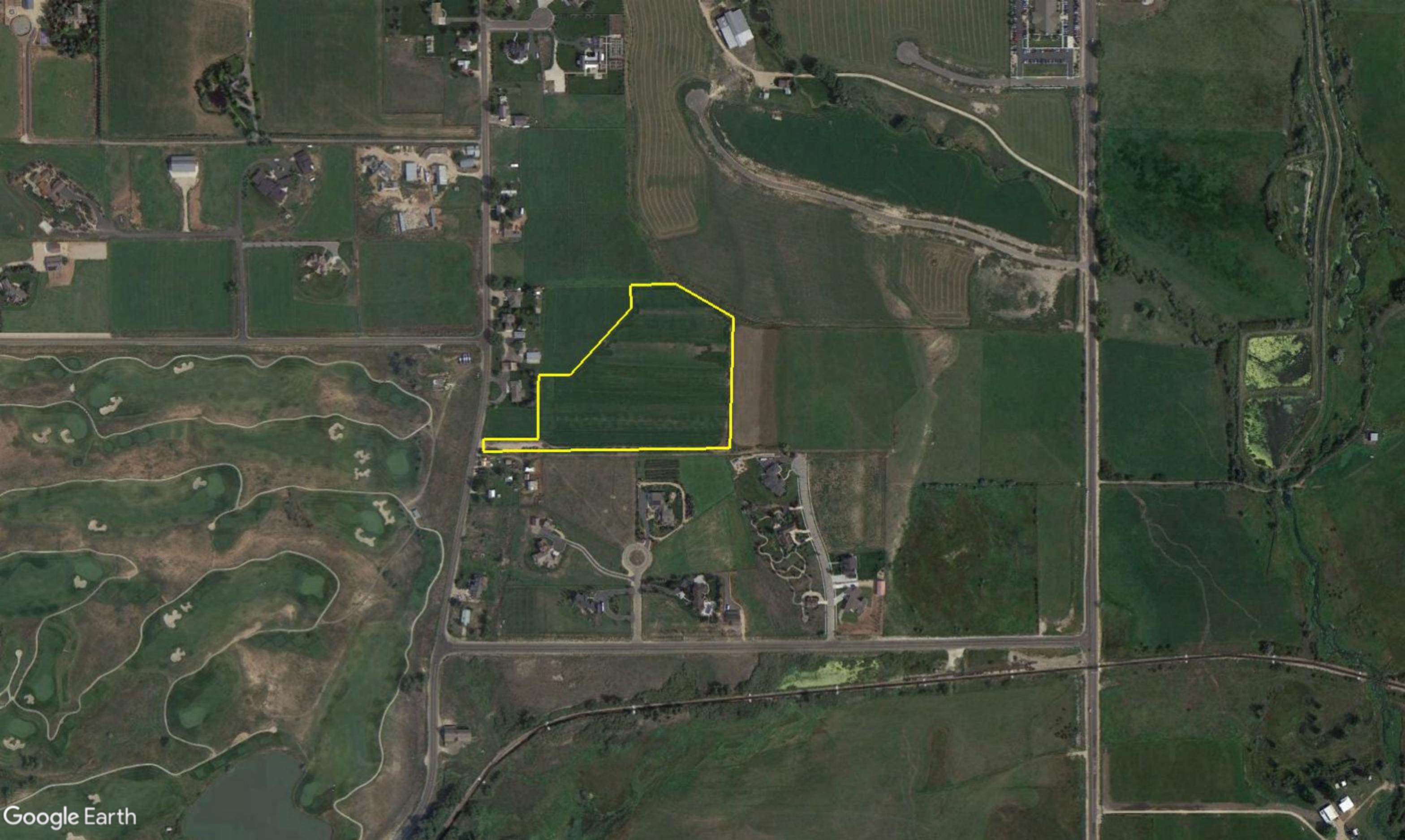
2. Continuance. This action can be taken if the City Council finds that there are unresolved issues.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for continuance
 - i. Unresolved issues that must be addressed
 - d. Date when the item will be heard again

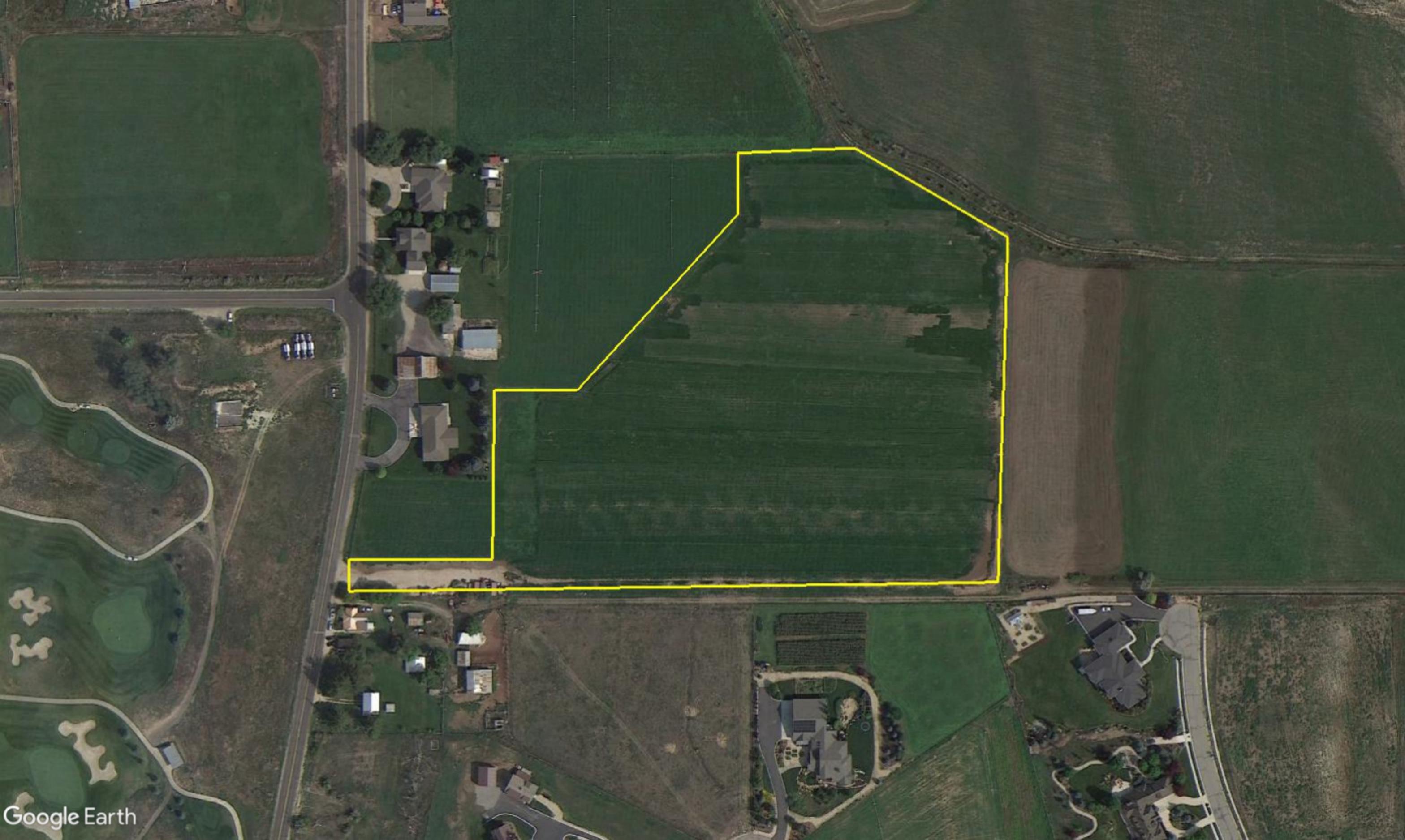
3. Denial. This action can be taken if the City Council finds that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

PROPOSED CONDITION:

1. The applicant must contribute to the planned bike lane an amount approved by the City Engineer before the plat is recorded.







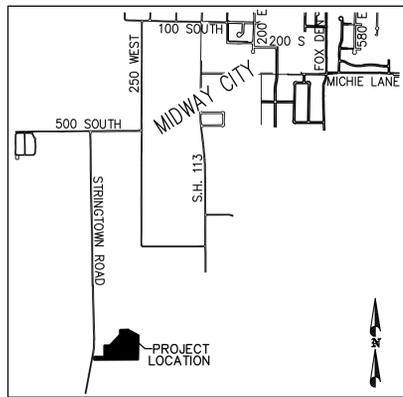
KAY'S LANDING

LOCATED IN THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

FOUND WASATCH COUNTY BRASS CAP IN CONCRETE MARKING THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

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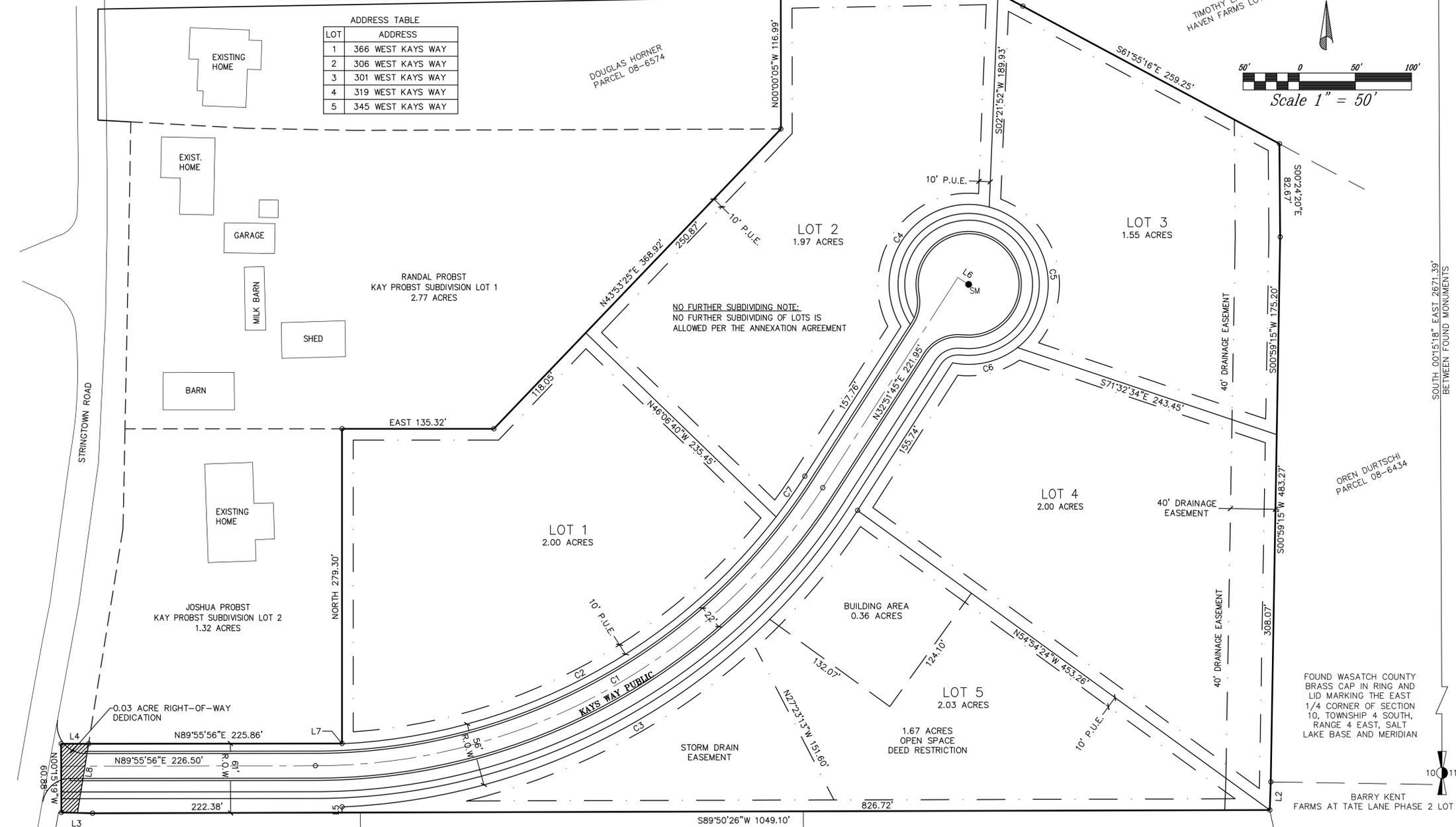
Original Plat



LINE	LENGTH	DIRECTION
L1	24.88'	S62°22'36"E
L2	24.90'	S02°06'03"W
L3	27.68'	N88°26'05"W
L4	24.46'	N89°55'56"E
L5	5.00'	SOUTH
L6	11.35'	N57°08'15"W
L7	0.26'	SOUTH
L8	62.09'	N09°09'35"E

#	LENGTH	RADIUS	DELTA	CD.LENGTH	CD.BEARING
C1	536.87'	539.00'	57°04'11"	514.95'	S61°23'51"W
C2	449.93'	520.00'	49°34'29"	484.78'	N62°05'08"E
C3	550.03'	539.00'	54°42'45"	529.37'	N60°13'08"E
C4	169.59'	71.00'	136°51'18"	132.05'	N36°36'00"E
C5	157.41'	71.00'	127°01'25"	127.09'	S11°27'39"E
C6	61.51'	71.00'	49°38'11"	59.60'	S76°52'10"W
C7	44.26'	520.00'	04°52'56"	44.25'	N35°18'03"E

LOT	ADDRESS
1	366 WEST KAYS WAY
2	306 WEST KAYS WAY
3	301 WEST KAYS WAY
4	319 WEST KAYS WAY
5	345 WEST KAYS WAY



SURVEYOR'S CERTIFICATE
 IN ACCORDANCE WITH SECTION 10-9a-603 OF THE UTAH CODE, I, TROY TAYLOR, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 6854112 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.
 I FURTHER CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THE PLAT IN ACCORDANCE WITH SECTION 17-23-17 OF THE UTAH CODE, AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THE PLAT.

DATE _____ SURVEYOR (SEE SEAL BELOW) _____

BOUNDARY DESCRIPTION
 BEGINNING AT A POINT LOCATED NORTH 89°27'41" WEST ALONG THE SECTION LINE 2008.42 FEET AND SOUTH 616.05 FEET FROM THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN;
 THENCE NORTH 88°59'38" EAST 193.54 FEET ALONG A FENCE LINE; THENCE SOUTH 62°22'36" EAST 24.88 FEET; THENCE SOUTH 61°55'16" EAST 259.25 FEET; THENCE ALONG A FENCE LINE THE FOLLOWING 3 (THREE) CALLS, SOUTH 00°24'20" EAST 82.67 FEET, SOUTH 00°59'15" WEST 483.27 FEET, AND SOUTH 02°06'03" WEST 24.90 FEET TO A FENCE CORNER; THENCE SOUTH 89°50'26" WEST 1049.10 FEET ALONG A FENCE LINE; THENCE NORTH 88°26'05" WEST 27.68 FEET ALONG A FENCE LINE; THENCE NORTH 00°15'19" WEST 60.88 FEET; THENCE NORTH 89°55'56" EAST 250.32 FEET; THENCE NORTH 279.04 FEET; THENCE EAST 135.32 FEET; THENCE NORTH 43°53'25" EAST 368.92 FEET; THENCE NORTH 00°00'05" WEST 116.99 FEET TO THE POINT OF BEGINNING.
 AREA = 11.14 ACRES

BASIS OF BEARING
 THE BASIS OF BEARING IS NORTH 89°27'41" WEST ALONG THE SECTION LINE FROM THE FOUND WASATCH COUNTY BRASS CAP MARKING THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

OWNER'S DEDICATION
 KNOW ALL MEN BY THESE PRESENTS THAT, THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, PUBLIC ROAD RIGHT-OF-WAY AND UTILITY EASEMENTS AND HEREBY DEDICATE THOSE AREAS LABELED AS SHARED DRIVEWAY EASEMENTS AND UTILITY EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS _____ DAY OF _____, A.D. 20____
 BY: _____
 STILL WATER HOLDINGS LLC

ACKNOWLEDGMENT
 STATE OF UTAH }
 COUNTY OF WASATCH } S.S.
 ON THE _____ DAY OF _____, A.D. 20____, PERSONALLY APPEARED BEFORE ME, _____ WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME IN THE CAPACITY INDICATED.
 MY COMMISSION EXPIRES _____
 NOTARY PUBLIC

ACCEPTANCE BY MIDWAY CITY
 THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS-OF-WAY HEREON SHOWN.
 THIS _____ DAY OF _____, A.D. 20____

APPROVED _____ ATTEST _____
 MAYOR CLERK-RECORDER
 (SEE SEAL BELOW)

APPROVED _____ APPROVED _____
 CITY ENGINEER CITY ATTORNEY
 (SEE SEAL BELOW)

PLANNING COMMISSION APPROVAL
 APPROVED THIS _____ DAY OF _____, A.D. 20____ BY THE
 _____ MIDWAY CITY PLANNING COMMISSION

PLANNING DIRECTOR _____ CHAIRMAN, PLANNING COMMISSION _____

KAY'S LANDING SUBDIVISION
 MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH
 LOCATED IN THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 SCALE: 1" = 50 FEET

SURVEYOR
 TROY L. TAYLOR, PLS
 ELEMENT LAND SURVEYING
 2296 SOUTH 270 EAST
 HEBER CITY, UT 84032
 PHONE (801) 657-8748
 DATE OF SURVEY: JUNE 2018

LEGEND
 FOUND REBAR WITH CAP MARKED CIVIL SOLUTIONS
 SET REBAR CAP MARKED ELEMENT
 SURVEY MONUMENT

RETENTION POND FENCING NOTE:
 IF LOT 5 IS FENCED, THE OWNER SHALL PROVIDE A 10' GATE TO ALLOW MIDWAY CITY ACCESS TO THE STORM DRAIN EASEMENT AND THE RETENTION POND.

COUNTY RECORDER

DATE: _____
 MIDWAY IRRIGATION COMPANY

DATE: _____
 MIDWAY SANITATION DISTRICT

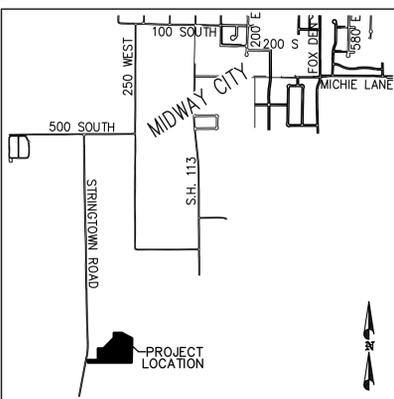
COUNTY SURVEYOR
 APPROVED AS TO FORM ON THIS _____ DAY OF _____, 20____
 ROS # _____

 COUNTY SURVEYOR

KAY'S LANDING

LOCATED IN THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

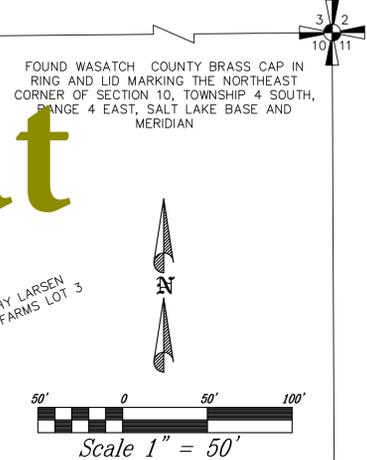
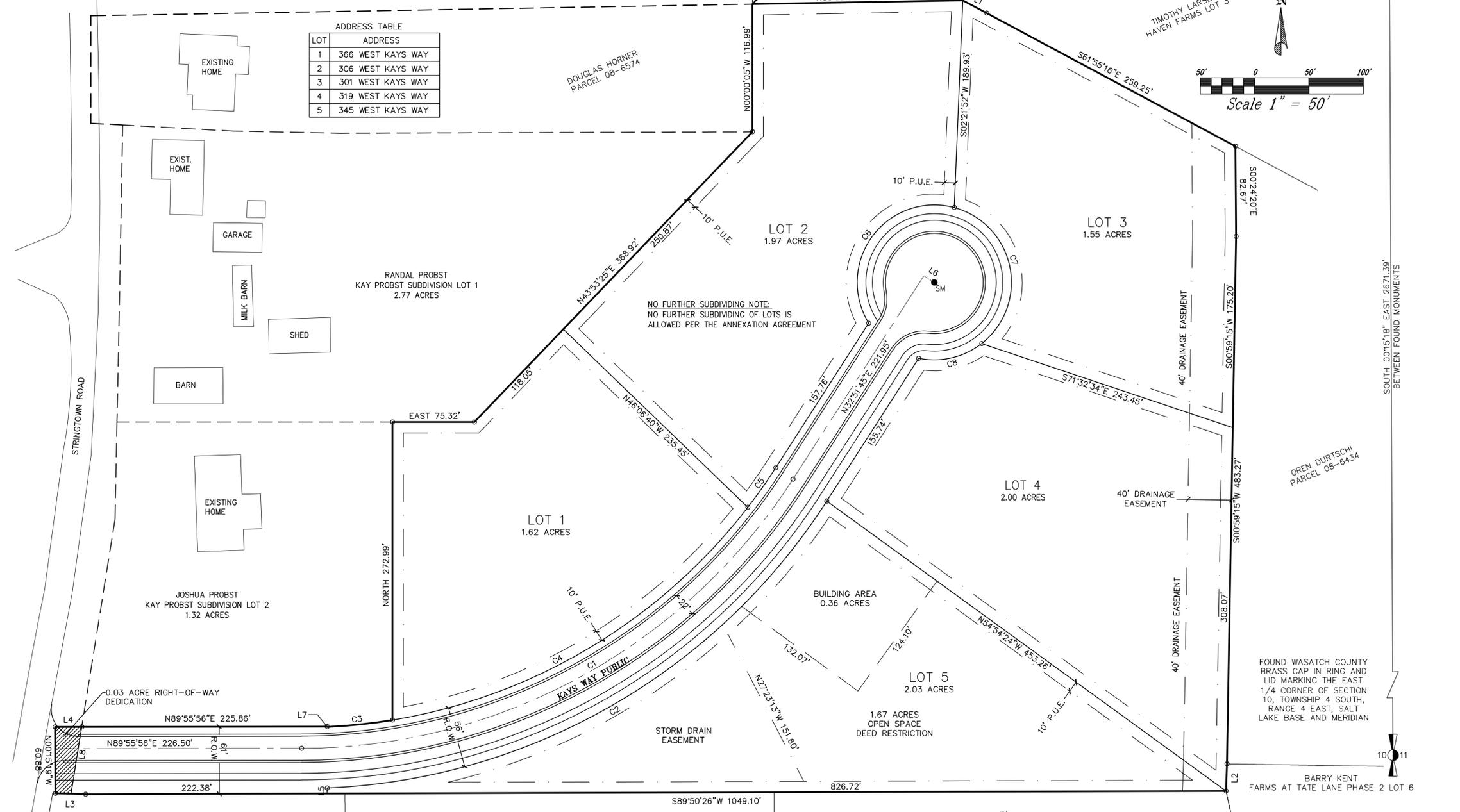
FOUND WASATCH COUNTY BRASS CAP IN CONCRETE MARKING THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN



LINE TABLE			CURVE TABLE					
LINE	LENGTH	DIRECTION	#	LENGTH	RADIUS	DELTA	CD.LENGTH	CD.BEARING
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L5	5.00'	SOUTH	C5	44.26'	520.00'	4°52'36"	44.25'	N35°18'03"E
L6	11.35'	N57°08'15"W	C6	169.59'	71.00'	136°51'18"	132.05'	S36°36'00"W
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L8	62.09'	N09°09'35"E	C8	61.51'	71.00'	49°38'11"	59.60'	N76°52'10"E

ADDRESS TABLE	
LOT	ADDRESS
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2	306 WEST KAYS WAY
3	301 WEST KAYS WAY
4	319 WEST KAYS WAY
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Revised Plat



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AREA = 10.76 ACRES

BASIS OF BEARING

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DATED THIS _____ DAY OF _____, A.D. 20____

BY: _____

ACKNOWLEDGMENT

STATE OF UTAH }
 COUNTY OF WASATCH } S.S.

ON THE _____ DAY OF _____, A.D. 20____ PERSONALLY APPEARED BEFORE ME, _____ WHO DULY ACKNOWLEDGED TO ME THAT HE/SHE DID EXECUTE THE SAME IN THE CAPACITY INDICATED.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC

ACCEPTANCE BY MIDWAY CITY

THE CITY COUNCIL OF MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH, HEREBY APPROVES THIS SUBDIVISION AND ACCEPTS THE DEDICATION OF LOTS, EASEMENTS, STREETS AND PUBLIC RIGHTS-OF-WAY HEREON SHOWN.

THIS _____ DAY OF _____, A.D. 20____

APPROVED _____ ATTEST _____
 MAYOR CLERK-RECORDER
 (SEE SEAL BELOW)

APPROVED _____ APPROVED _____
 CITY ENGINEER CITY ATTORNEY
 (SEE SEAL BELOW)

PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, A.D. 20____ BY THE
 _____ MIDWAY CITY PLANNING COMMISSION

PLANNING DIRECTOR _____ CHAIRMAN, PLANNING COMMISSION _____

KAY'S LANDING SUBDIVISION

MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH
 LOCATED IN THE NORTHEAST CORNER OF SECTION 10, TOWNSHIP 4 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN

SCALE: 1" = 50 FEET

SURVEYOR
 TROY L. TAYLOR, PLS
 ELEMENT LAND SURVEYING
 2296 SOUTH 270 EAST
 HEBER CITY, UT 84032
 PHONE (801) 657-8748
 DATE OF SURVEY: JUNE 2018

- LEGEND**
- FOUND REBAR WITH CAP MARKED CIVIL SOLUTIONS
 - SET REBAR CAP MARKED ELEMENT
 - SURVEY MONUMENT

RETENTION POND FENCING NOTE:
 IF LOT 5 IS FENCED, THE OWNER SHALL PROVIDE A 10' GATE TO ALLOW MIDWAY CITY ACCESS TO THE STORM DRAIN EASEMENT AND THE RETENTION POND.

DATE: _____
 MIDWAY IRRIGATION COMPANY

DATE: _____
 MIDWAY SANITATION DISTRICT

COUNTY SURVEYOR

APPROVED AS TO FORM ON THIS _____ DAY OF _____, 20____

ROS # _____

 COUNTY SURVEYOR

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL