



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: May 21, 2024

NAME OF PROJECT: The Kantons at Village Green

NAME OF APPLICANT: David P. Rose

AGENDA ITEM: Amend Final Approval - Landscaping Plan

LOCATION OF ITEM: Augusta Drive and Pinehurst Drive

ZONING DESIGNATION: R-1-15 & Transient Rental Overlay District

ITEM: 7

David P. Rose, agent for the Kantons Midway LLC, is proposing to amend The Kantons at Village Green landscaping plan. The proposed amendment would revise the landscaping plans that were adopted in 2013 and 2015. The property is located at the intersection of Augusta Drive and Homestead Drive and is in the R-1-15 zoning district.

BACKGROUND:

David P. Rose, agent for the Kantons Midway LLC, is proposing to amend The Kantons at Village Green landscaping plan. The proposal is based on the wishes of many of the residents of The Kantons. The proposed amendment would revise two landscaping plans, one which was approved in 2013 and another that covered a small area when one unit was removed in 2015. This item was continued from the City Council’s July 18, 2023, meeting where a continuance was approved so that more information could be provided which will be discussed later in this report. Specifically, the proposed amendment would change three items:

- Remove the requirement to build berms in a few locations in the PUD.

- Remove the requirement to construct a pergola.
- Remove three planned sections of private trails.

The funds that would be saved from not constructing the aforementioned items would be transferred to the HOA's reserve account. The HOA would also save funds by not needing to maintain the amenities. Representatives of the HOA have explained that the HOA has found the items are unnecessary and that the vast majority of homeowners voted to support the proposed changes. They found that the berms were not wanted, the private trails were redundant, and the pergola was not needed, along with the continued maintenance of the amenities.

The application included a letter from David P. Rose that states the following:

Kantons Midway LLC, the Declarant for the Kantons Village Green PUD (the Kantons), formerly known as the Kantons of Midway, requests an amendment of the 2013 landscape plan (July 16, 2013) and the 2015 amendment to that plan (February 19, 2015).

On June 12, 2023, homeowners of the Kantons voted to remove certain elements (described in the attachment to the application) including berms, internal asphalt trails, and a pergola from the plan and amendment.

There are no additional infrastructure elements to be added and the Kantons Midway LLC has agreed to transfer savings from the execution of the 2013/2015 plan, as amended, to the Kantons reserve account.

As mentioned earlier, more information has been received from the applicant regarding this proposal. This information is specific on which items would not be built, how much funds would be placed in the HOA's account, and an assurance that those funds would not be spent until the residents become the HOA.

This email is written to confirm our conversation that you and I had this morning with Michael Heinke. During our call we reviewed the common area improvements that have been made by Kantons Midway, LLC to the Kantons pursuant to the City approved 2015 Landscaping Plan. There are only a few physical improvements to the Kantons Common Areas that remain to be done:

- 1. The trail starting at Augusta Drive and connecting to the Midway Trail and west of Kantons units 33 and 34;*
- 2. The trail starting at Augusta Drive and connecting to the Midway Trail and east of Kantons units 33 and 34;*

3. *The pergola on the trail east of units 33 and 34;*
4. *The trail starting at the south end of Pinehurst Drive and ending at the end of the cul-de-sac on Augusta Drive;*
5. *Installation of some minor berms;*
6. *Installation of two monument signs designed by Declarant.*

It is our understanding that more than a majority of the Kantons homeowners want the 2015 Landscaping Plan to be amended to eliminate Items Nos. 1-5 above. In return, the Kantons homeowners would prefer that Kantons Midway, LLC contribute \$43,565.36 into the Kantons HOA Reserve account. This contribution would be made in lieu of Kantons Midway, LLC making these improvements. Kantons Midway, LLC remains willing to do this provided that Midway City first approves this amendment to the Kantons 2015 Landscaping Plan. As part of that approval, Midway City would need to agree to promptly release to Kantons Midway, LLC the outstanding bonds that it holds for the Kantons upon Kantons Midway, LLC's contribution of the \$43,565.36 into the Kantons HOA Reserve Account. In return, Kantons Midway, LLC agrees that it will not withdraw this \$43,565.36 during the few months that remain while Kantons Midway, LLC has any representatives on the HOA Board of Directors. Midway City's approval of the amendment to the Kantons 2015 Landscaping Plan would be conditional from the perspective that if Kantons Midway, LLC were through its Declarant appointed HOA Board members to subsequently withdraw the \$43,565.36 then the amendment to the Kantons 2015 Landscaping Plan would be revoked. Kantons Midway, LLC would still complete the purchase and installation of the two monument signs.

I believe that the Kantons homeowners previously attempted to amend the 2015 Landscaping Plan on these terms but that did not seem to bear out.

Please take the necessary actions with the Midway City Council to effect the above described agreement and amendment to the 2015 Landscaping Plan.

Thank you for your assistance.

The decision to approve the proposed amendment is discretionary for the City Council.

POSSIBLE FINDINGS:

- The proposed amendments would remove berms, private asphalt trails, and a pergola that would have been installed by the developer and owned by the HOA.
- None of the landscaping amenities that are proposed for removal were required by the City Code when the PUD was approved or are required by the current PUD Code.
- Amending the final approval is discretionary and the City Council is under no obligation to approve the proposal even if it complies with the land use code.

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council finds the proposal is in the best interest of the City.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s) if needed
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 is not in the best interest of the City.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

Michael Henke

From: Dade Rose <dade.regalhomes@gmail.com>
Sent: Monday, April 29, 2024 4:18 PM
To: Wes Johnson
Cc: rick lloyd; Michael Henke
Subject: Re: FW: Regal Homes / Kantons Midway LLC. Recall

Follow Up Flag: Follow up
Flag Status: Flagged

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.

Dear Wes,

This email is written to confirm our conversation that you and I had this morning with Michael Heinke. During our call we reviewed the common area improvements that have been made by Kantons Midway, LLC to the Kantons pursuant to the City approved 2015 Landscaping Plan. There are only a few physical improvements to the Kantons Common Areas that remain to be done:

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Thank you for your assistance.

Dade Rose
Principal Owner & Managing Partner
801-232-9440



[Regal Homes Website](#)

On Mon, Apr 29, 2024 at 1:21 PM Wes Johnson <wjohnson@midwaycityut.org> wrote:

Dade,

Here is the email we were referring to.

Wes



Midway

Wes Johnson, P.E.

Midway City Engineer

P: 435-654-3223 ext 128

C: 801-368-6509

E: wjohnson@midwaycityut.org

75 N 100 W – P.O. Box 277
Midway, UT 84049

www.midwaycityut.org

FROM: David P Rose, Manager, Kantons Midway LLC
7730 S. Union Park Ave., Suite 500
Midvale, UT 84047

DATE: June 23, 2023

TO: Michael Henke, Midway City Manager

SUBJECT: Application for an Amendment to the 2013/2015 Landscape Plan for Kantons at Village Green

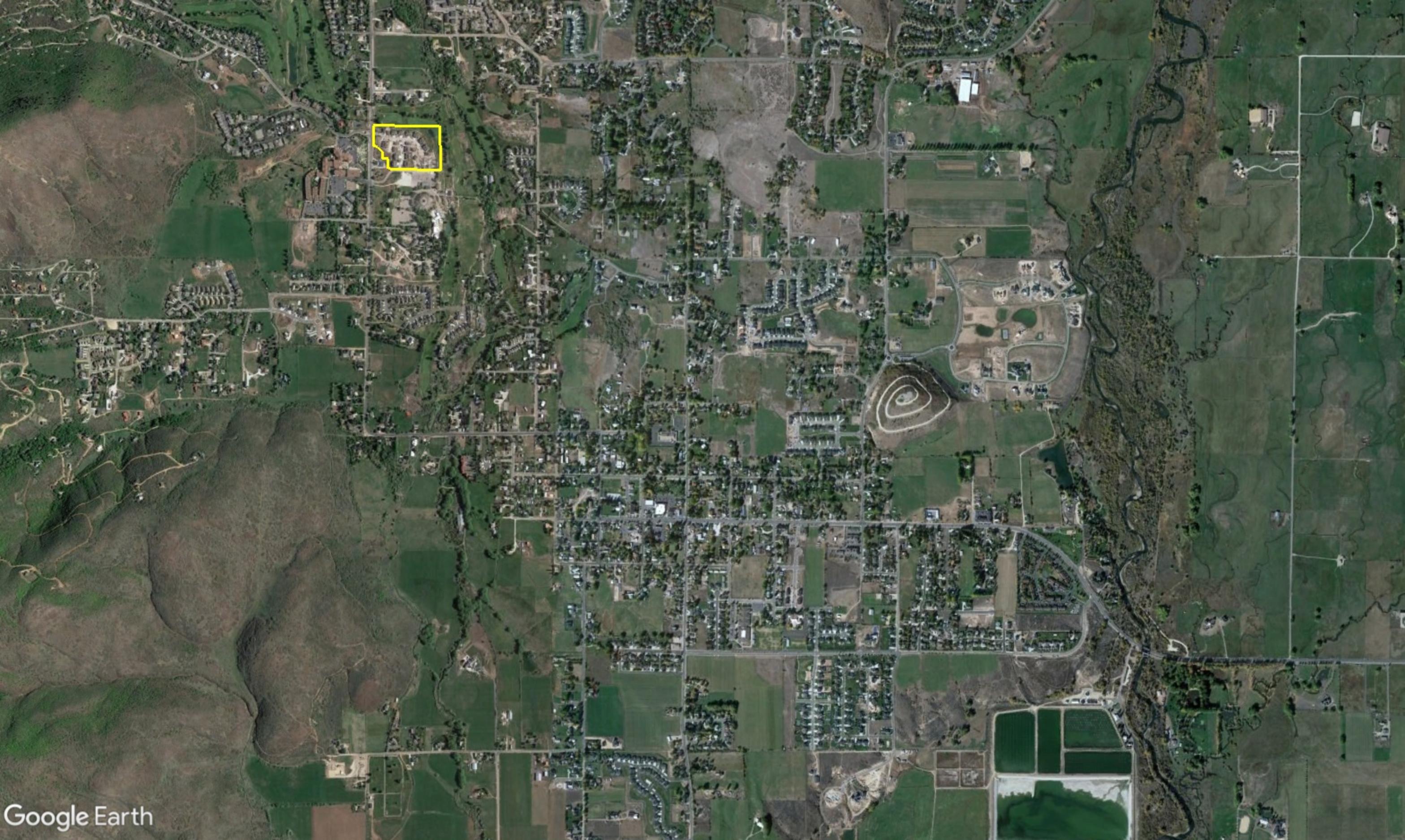
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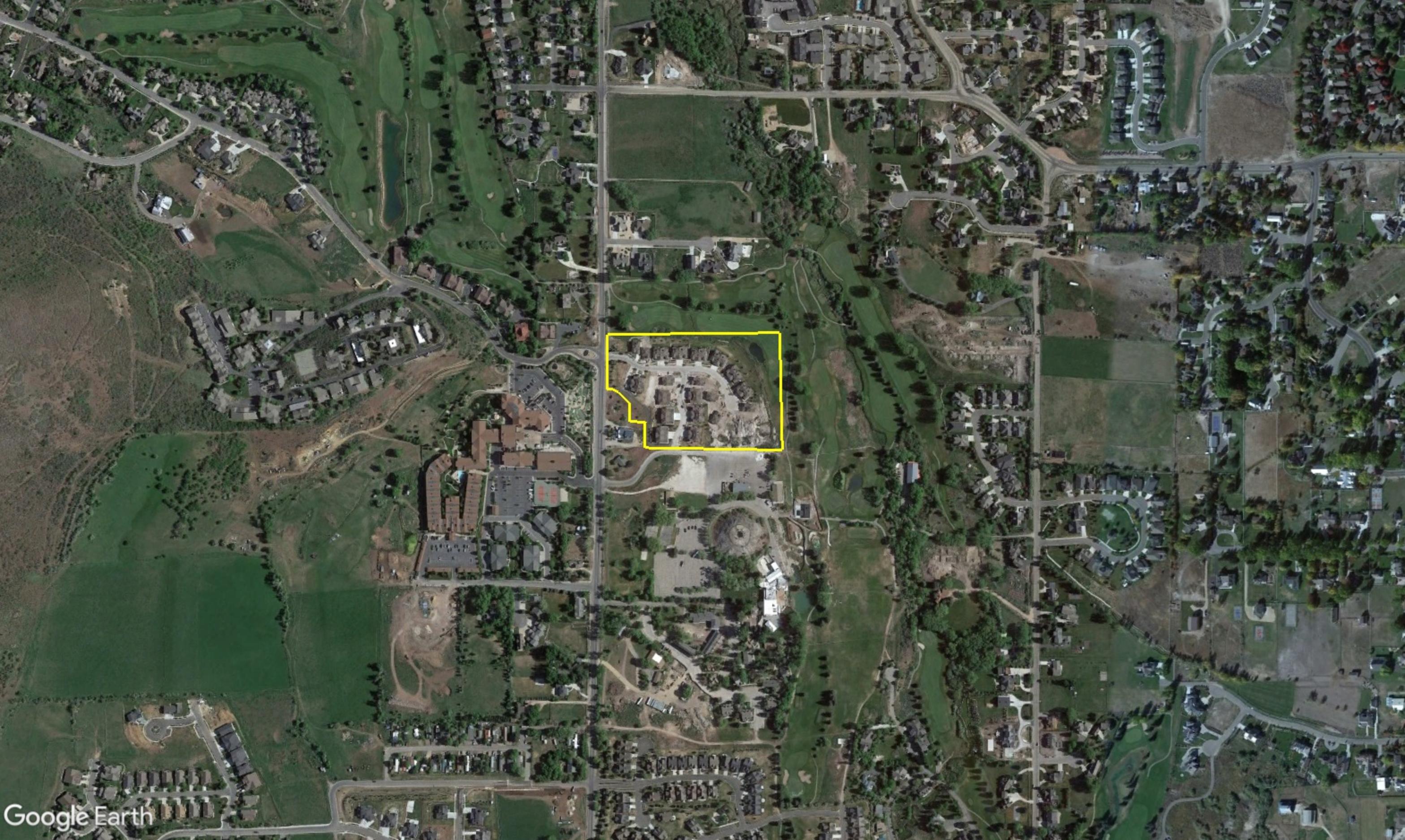
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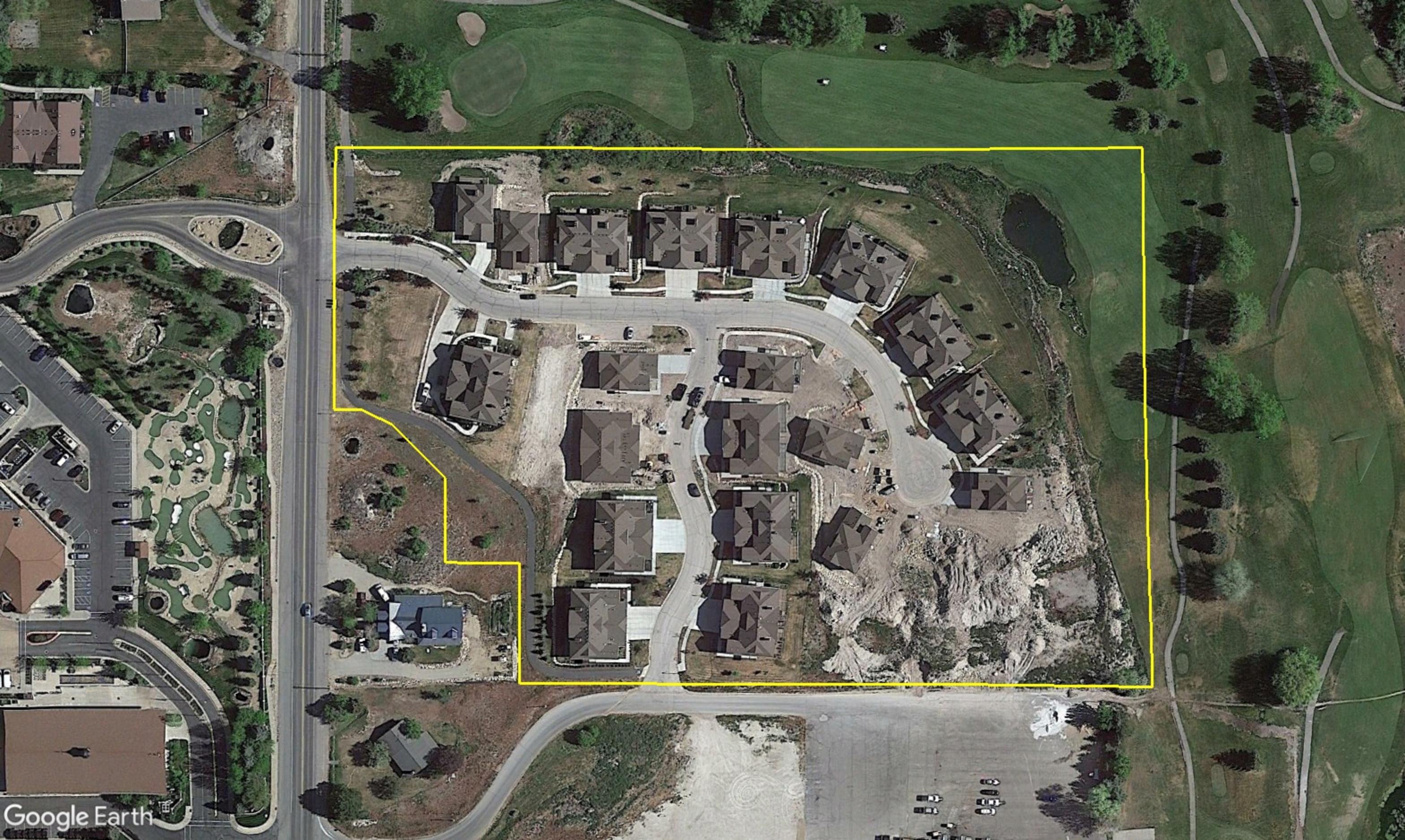
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David P Rose

David P. Rose
Manager, Kantons Midway LLC







KANTONS

Landscape Plan

MIDWAY, UT

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DATE: JULY 16, 2013
 SCALE: 1"=40'
 PROJECT #: 2013-05PW
 DRAWN BY: TM

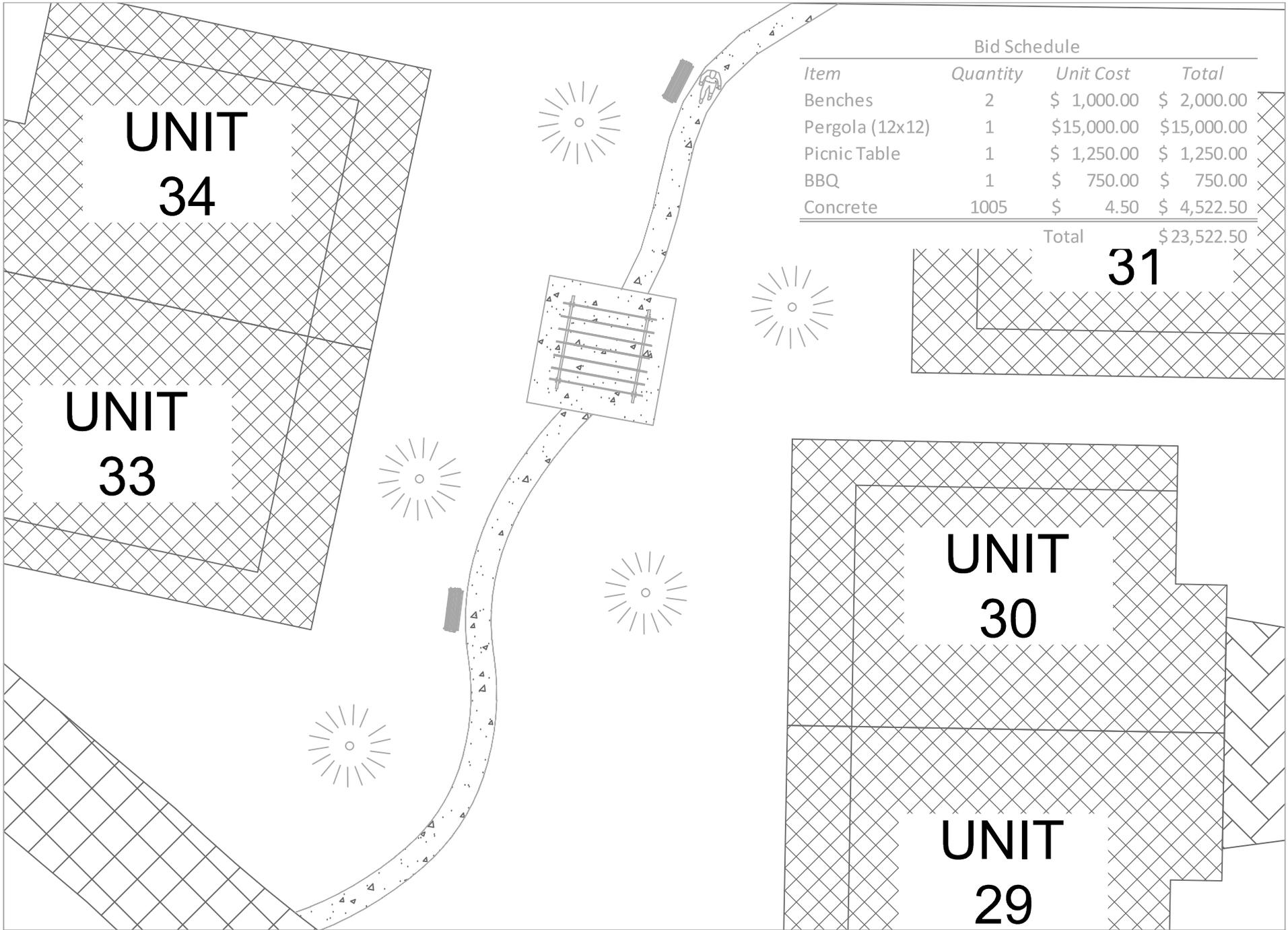
REVISIONS:
 1. 8/12/2013
 2.
 3.
 4.

L.1

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
TREES				
	ACER TRUNCATUM X ACER PLATANOIDES 'KIEBSFORM'	NORWEGIAN SUNSET MAPLE	2' CAL	
	MALUS 'PRAIRIE ROSE'	PRAIRIE ROSE CRABAPPLE	2' CAL	
	PICEA OMORIKA 'WELLS RIVERSIDE'	WELLS RIVERSIDE SPRUCE	6-8' TALL	
	PICEA PUNGENS GLAUCA 'BAKERI'	BAKERI SPRUCE	6-8' TALL	
	PINUS FLEXILIS 'VANDERWOLF'	VANDERWOLF PINE	6-8' TALL	
	PRUNUS NIGRA 'PRINCESS KAY'	PRINCESS KAY PLUM	2' CAL	
	PRUNUS VIRGINIANA 'CANADA RED'	CANADA RED CHOKECHERRY	8-10' CLUMP	
	PRUNUS X YEDOENSIS 'AKEBONO'	DAYBREAK CHERRY	2' CAL	
SHRUBS				
	BERBERIS THUNBERGII 'ROYAL BURGUNDY'	ROYAL BURGUNDY JAPANESE BARBERRY	#5 GAL	
	JUNIPERUS SQUAMATA 'BLUE STAR'	BLUE STAR JUNIPER	#1 GAL	
	PHYSOCARPUS OPLUS 'LITTLE DEVIL'	LITTLE DEVIL NINEBARK	#5 GAL	
	PINUS MUGO 'WHITEBUD'	WHITEBUD MUGO PINE	#5 GAL	
	ROSA 'MORDEN SUNRISE'	MORDEN SUNRISE ROSE	#5 GAL	
	SYRINGA VULGARIS 'JOSSE'	JOSSE LILAC	#5 GAL	
ORNAMENTAL GRASSES				
	CALAMAGROSTIS ACUT. 'KARL FOERSTER'	KARL FOERSTER GRASS	#1 GAL	
	HELICOTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	#1 GAL	
	PANICUM VIRGATUM 'HEAVY METAL'	HEAVY METAL SWITCH GRASS	#1 GAL	
	PENNISETUM A. 'HA MEL'	HA MEL FOUNTAIN GRASS	#1 GAL	
PERENNIALS				
	AGASTACHE CANA 'BOLERO'	BOLERO HYSSOP	#1 GAL	
	CAMPANULA GLOMERATA 'BELLEFLEUR BLUE'	BELLEFLEUR BLUE BELFLOWER	#1 GAL	
	ECHINACEA PURPUREA 'LEMON YELLOW'	LEMON YELLOW CONEFLOWER	#1 GAL	
	HEMEROCALLIS 'SHAKA ZULU'	SHAKA ZULU DAY LILY	#1 GAL	
	HOSTA 'FRANCIS WILLIAMS'	FRANCIS WILLIAMS HOSTA	#1 GAL	
	HUESCHERA 'SUGAR BERRY'	SUGAR BERRY CORAL BELL	#1 GAL	
	LEUCANTHEMUM SUPERBUM 'VICTORIAN SECRET'	VICTORIAN SECRET SHASTA DAISY	#1 GAL	
	PENSTEMON 'RONDO MIX'	RONDO MIX PENSTEMON	#1 GAL	
GROUND COVER				
	MEADOW MIX	MEADOW MIX	ROLLS FROM BIOGRASS	
	POA PRATENSIS	KENTUCKY BLUE GRASS	ROLLS	

NOTES
 1. QUANTITIES PROVIDED FOR CONTRACTORS CONVENIENCE ONLY. CONTRACTORS SHALL VERIFY QUANTITIES.
 2. 3" OF SHREDDED BARK MULCH SHALL BE PLACED IN ALL PLANTER BEDS.
 3. TURF SHALL BE KENTUCKY BLUE GRASS FREE FROM WEEDS.
 4. CONTRACTOR SHALL CONTACT BLUE STAKES OF UTAH A MINIMUM OF 2 DAYS BEFORE CONSTRUCTION BEGINS.
 5. CONTRACTOR TO FURNISH SOIL ANALYSIS OF EXISTING ON SITE SOIL SUITABILITY AND FERTILITY AND THEN AMEND EXISTING SOIL AS PER TESTING RESULTS.
 6. A PRE-EMERGENT WEED CONTROL SHALL BE APPLIED IMMEDIATELY AFTER PLANTING.





Bid Schedule

<i>Item</i>	<i>Quantity</i>	<i>Unit Cost</i>	<i>Total</i>
Benches	2	\$ 1,000.00	\$ 2,000.00
Pergola (12x12)	1	\$15,000.00	\$15,000.00
Picnic Table	1	\$ 1,250.00	\$ 1,250.00
BBQ	1	\$ 750.00	\$ 750.00
Concrete	1005	\$ 4.50	\$ 4,522.50

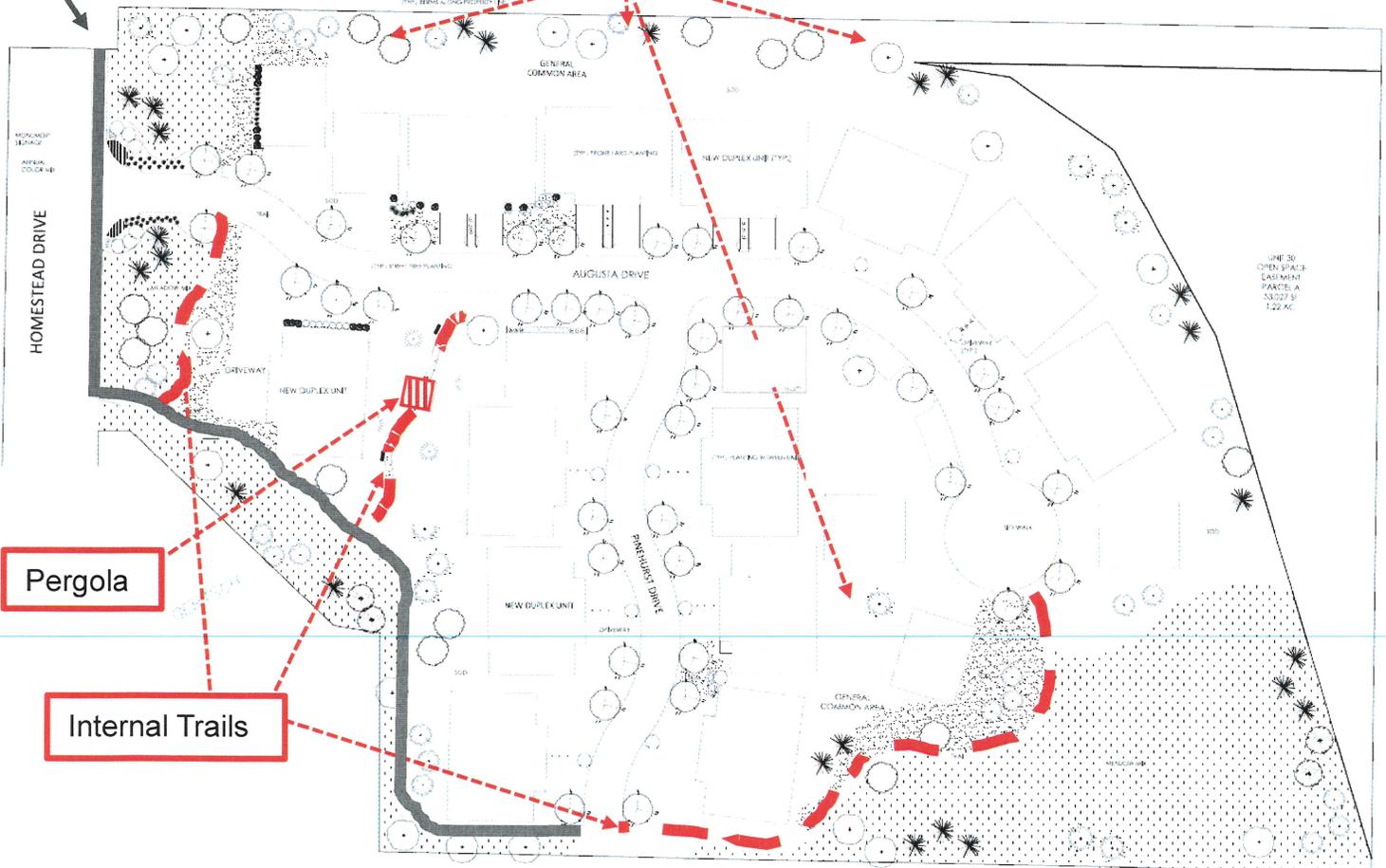
Total \$23,522.50

31

Eliminate elements in red from the 2013/2015 KVG Plat

Existing
Midway Trail

Berms



Pergola

Internal Trails