



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: December 13, 2022
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: 4

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 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 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 the dwelling had never been approved by the City. The structure had originally been approved as a detached garage but was later converted to a dwelling without approval. The sewer and culinary water connections to the unpermitted dwelling run through the permitted dwelling on the property. New laterals will be installed from the main lines under Fox Den Road for sewer and water. Impact fees, connection fees, and inspection fees will all need to be paid before the recording of the plat. Water rights will need to be evaluated and water dedication will need to take place for any deficit before the plat is recorded. Also, since the conversion of the structure from a garage to a dwelling was never inspected, the structure will need to comply with the City's adopted building codes. The owners have contracted with Quinn Davis, a licensed inspector, to identify issues and to fix any problems that are identified. As of the writing of this report, all but one of the identified issues have been resolved and the last issue will be resolved shortly.

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 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 re-subdivided. 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.

LAND USE SUMMARY:

- 1.79-acre parcel
- R-1-11 zoning
- Proposal contains two lots
- 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.

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 lot currently has a connection to Midway Sanitation District’s line, and the new lot will have a lateral installed for its own service.

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

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.

WATER BOARD RECOMMENDATION:

This item is scheduled to be reviewed by the Water Board on December 5, 2022.

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 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:

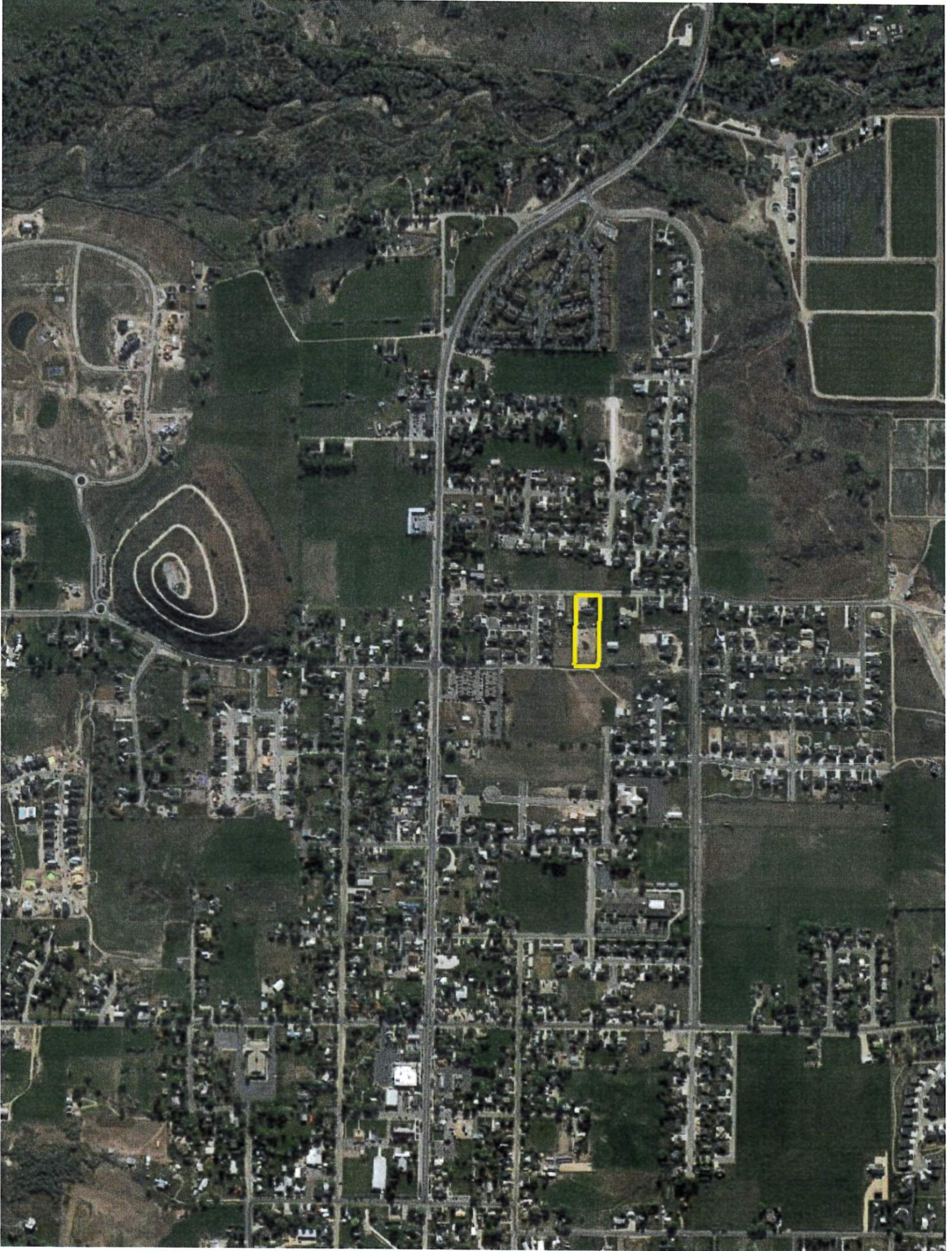
1. Recommendation of Approval (conditional). This action can be taken if the Planning Commission finds that the proposal complies with the intent of the land use code.
 - a. Accept staff report
 - b. List accepted findings
 - c. Place condition(s)

2. 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

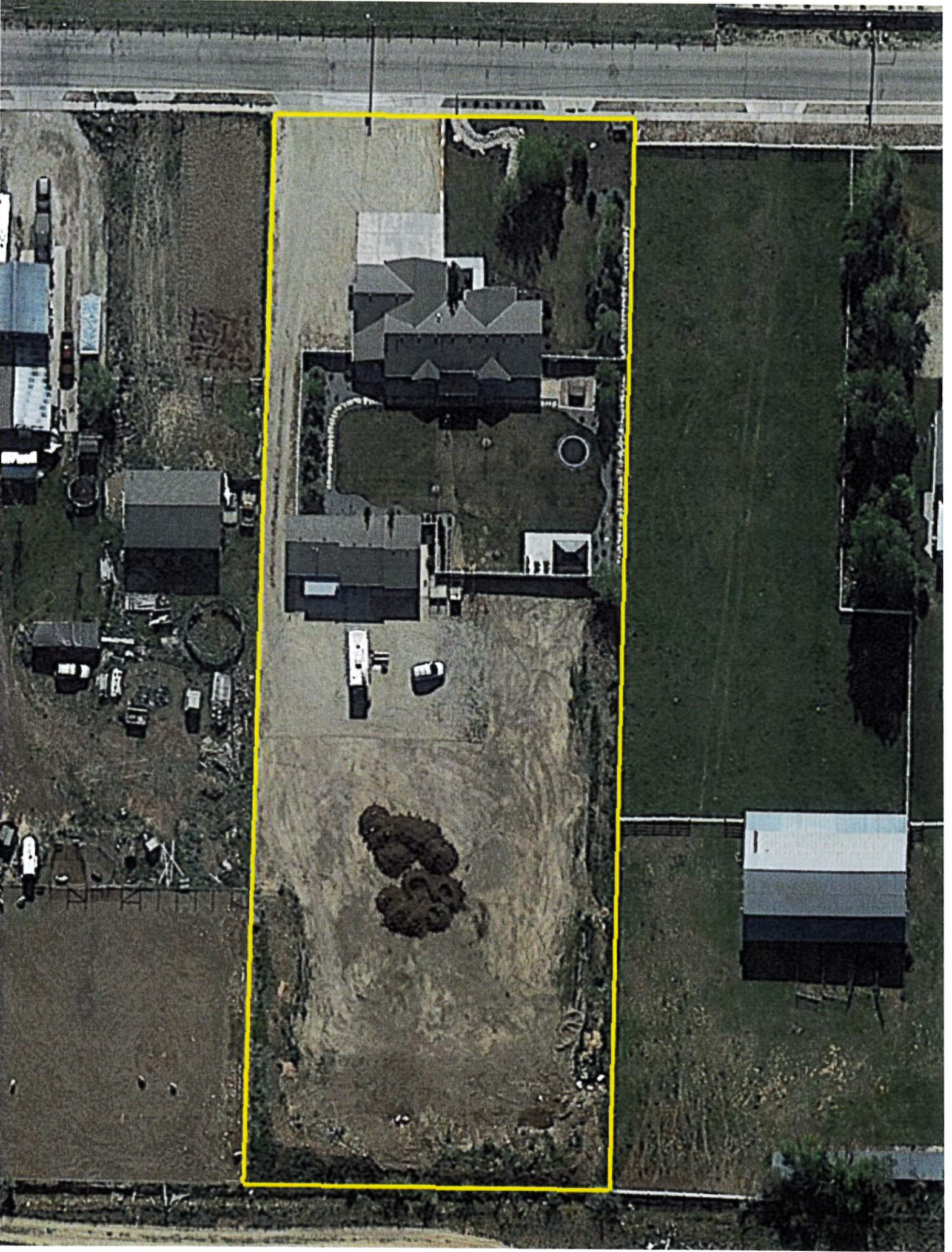
3. Recommendation of Denial. This action can be taken if the Planning Commission finds the request does not comply with the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

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.





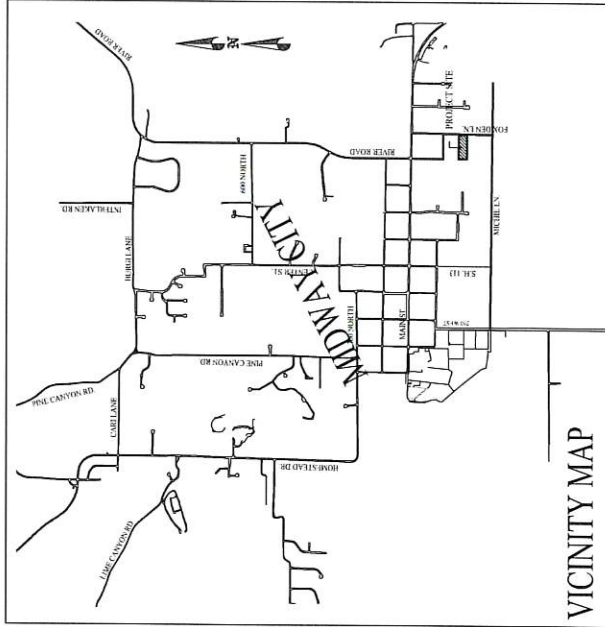


THE HIDEOUT

A DENSITY REDUCTION SUBDIVISION

SHEET INDEX

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



VICINITY MAP

THIS DOCUMENT IS INCOMPLETE
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INTENDED PURPOSE.
PAUL D. BERKE, P.E.
DATE: 10/22/2022

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|---|------------------|------------|
| GINA HONEY THE HIDEOUT | DATE: 10/20/2022 | SHEET 0 |
| COVER SHEET | DATE: 10/20/2022 | REV: 0 |
|  | | |
| BERG ENGINEERING 400 S. MAIN ST. SUITE 204 PHOENIX, AZ 85004 PHONE: 602.252.7949 | | |
| DESIGNED BY: PDB | DRAWN BY: DEJ | REV: 0 |

LEGEND

- W PROPOSED WATER
- SS PROPOSED PRESSURIZED IRRIGATION
- PI PROPOSED PIPES
- EW EXISTING WATER
- ES EXISTING PRESSURIZED IRRIGATION
- EX EXISTING PIPES
- WM WATER METER

BLUE STAKE MARKS
 LOCATION OF EXISTING UTILITIES SHOWN ON PLAN ARE APPROXIMATE AND MAY BE ADJUSTED FOR BLUE STAKING OF UTILITIES.

SEWER NOTES
 ALL SEWER IMPROVEMENTS SHALL MEET MIDWAY CITY STANDARDS & SPECIFICATIONS.

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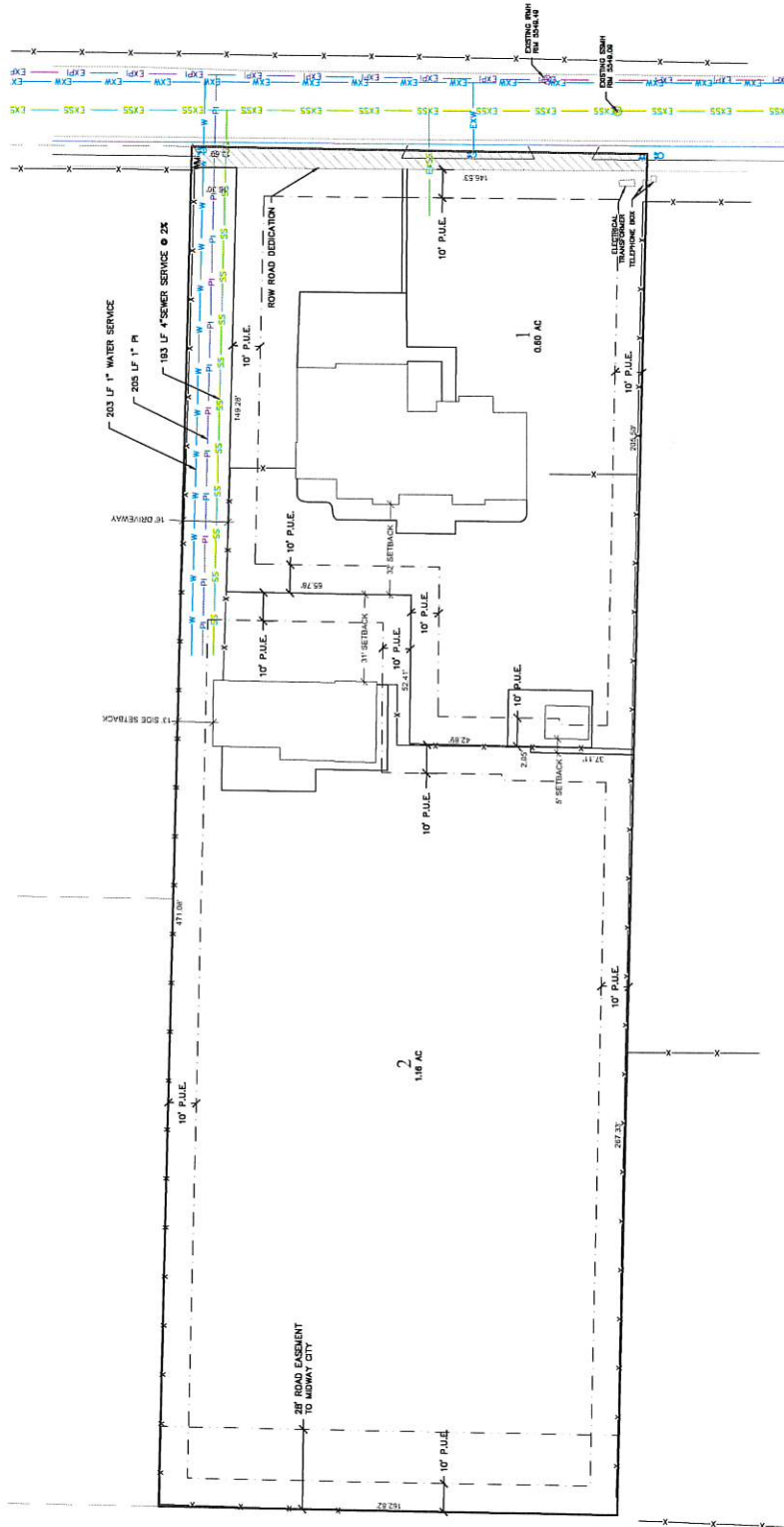
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 IMPROVEMENTS SHALL MEET MIDWAY IRRIGATION COMPANY STANDARDS & SPECIFICATIONS.

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GINA HONEY
 THE HIDEOUT
 UTILITY PLAN



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DESIGNED BY: GIN HONEY
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 DATE: 10/20/2022

SHEET
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