



**CITY COUNCIL MEETING STAFF REPORT**

**DATE OF MEETING:** September 3, 2024  
**NAME OF PROJECT:** Probst Meadow Subdivision  
**NAME OF APPLICANT:** Ben Probst, Trustee  
**NAME OF OWNER:** Wayne W. Probst Family Living Trust  
**AGENDA ITEM:** Preliminary & Final Approval  
**LOCATION OF ITEM:** 905 W. Main Street, Midway, Utah  
**ZONING DESIGNATION:** R-1-9

**ITEM: 5**

Ben Probst, as Trustee of the Wayne W. Probst Family Living Trust, owner, is requesting preliminary and final approval of a small-scale subdivision. The proposal is for a three-lot subdivision on 2.4 acres. The property is located at 905 W. Main Street and is in the R-1-9 zone.

**BACKGROUND:**

This request is for preliminary and final approval of a small-scale subdivision on 2.4 acres which will contain three lots. All three of the proposed lots in the subdivision have sufficient frontage on and access from Main Street and no new roads will be required for access. The lots comply with the minimum requirements of frontage, width, and acreage for lots in this zone.

## LAND USE SUMMARY:

- 2.4-acre parcel
- R-1-9 zoning
- Proposal contains three (3) lots
- Frontage on Main Street
- The lots will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line.

## ANALYSIS:

*Access* – All three of the proposed lots front Main Street and primary access for all three of the proposed lots in the subdivision will be directly from Main Street. Lot 1 also has the option of access from 300 West.

*Density* – The proposed density of the proposed subdivision is less than the maximum amount allowed by the zoning considering that the average lot size of .80 acres is much larger than the area requirements for a single family home (9000 square feet) in the R-1-9 zone. The density (3 lots) proposed by the applicant will help retain a more open feel for the area. According to the applicant,

*The project is a proposed small scale subdivision of an existing property including an existing residence and providing 2 new single family homes within walking distance to Midway City Center. Each lot is large at 0.80 acres per lot lending to the City's vision for family-oriented and friendly development. Primary impact is using existing roads and connecting to existing infrastructure.*

*Culinary Water Connection* – The proposed Lot 1 has a current culinary connection to the City's water line and the current dwelling is connected to the City's system. Additional connections, laterals, and meters will be required for the additional two lots, at the cost of the developer/owners.

*Sewer Connection* – The proposed Lot 1 has a current connection to Midway Sanitation District's sewer line and the current dwelling on proposed Lot 1 is connected to that system. Additional connections will be required for the additional two lots, at the cost of the developer/owners.

*Secondary Water Connection* – The lots will connect to Midway Irrigation Company's secondary which is already servicing the property. A lateral will be created for all three lots. Secondary water meters are also required for each lot.

*Sensitive Lands* – The applicant has not identified any sensitive within the boundary of the proposed development.

*Width and Frontage Requirements* – Section 16.08.040 of the Midway City Code provides that the minimum width and frontage of any building site in the R-1-9 zone shall be 90 feet. The width and frontage for proposed Lot 1 is 139.75’ along Main Street. The proposed Lot 1 also has frontage along 300 West consistent with the depth of the lot (264’). The width and frontage for proposed Lot 2 is 124.25’ along Main Street. The width and frontage for proposed Lot 3 is 132’ along Main Street.

*Setbacks* –All future structures on the proposed lots will need to comply with the required setbacks. Neither the dwelling nor garage on the proposed Lot 1 conform to the required setbacks. The existing dwelling and garage will be considered legal nonconforming and will be subject to Midway’s “Non-conforming Buildings and Uses” section of the municipal code, 16.26.080. Any new construction on proposed Lots 1, 2, or 3, and/or new additions to existing structures, will need to comply with the requirements of the code.

*Fencing* – Existing fencing currently runs between the proposed subdivision and Main Street to the north, as well as along the east of proposed Lot 1 along 300 West. Portions of the fence lie outside the boundary of the proposed subdivision. The fencing shall be brought within the boundary of the proposed subdivision before the recording of the subdivision plat.

*Single-family dwellings* – Only single-family dwellings will be allowed on the three lots, even though the R-1-9 zone does allow for duplexes and detached dwellings on one lot. Duplexes and detached dwellings are currently not allowed because the lots do not comply with the minimum code requirements which include additional water for a second culinary connection. A note should be included on the plat advising future lot owners of the limitation.

Because the lots do comply with current code requirements for the R-1-9 zone for the ability to have duplexes or two detached dwellings, if a future lot owner would like to construct a duplex or a detached dwelling unit, and the code still allows duplexes and detached dwellings, then the required water must be turned over to the City for the extra dwelling unit.

*Existing Garage* - The existing detached garage on proposed Lot 1 does not conform to the required setback requirements. The existing garage will be considered legal nonconforming and will be subject to Midway’s “Non-conforming Buildings and Uses” section of the municipal code, 16.26.080. Any new construction on proposed Lots 1, 2, or 3, and/or new additions to existing structures, will need to comply with the requirements of the code.

*Fire Flow* - A fire hydrant will need to be located within 500’ of any dwelling and future dwelling, measured by the route of a fire hose from the fire hydrant to the home and future home site.

**WATER BOARD RECOMMENDATION:**

The proposed subdivision went before the Water Board on June 3, 2024. The Water Board recommended the following water requirement:

- 2.4-acre parcel (104,544 sq. ft.)
  - Impervious area for dwellings, accessory structures, hard surfaces
    - 0.55 acres (24,000 sq. ft.)
  - Irrigated acreage
    - 1.85 acres (80,544 sq. ft.) x 3 = 5.55 acre feet
- 3 culinary connections for dwellings
  - 2.4 acre feet
  - Credit of 1.5 for existing dwelling and historic irrigation
- Credit of 1.6 for two historic lots of 0.8 acres
- Total = 7.95 – 3.1 = **4.85 acre feet**

The developer shall install secondary water meters for the three lots.

**PLANNING COMMISSION RECOMMENDATION:**

**Motion:** Commissioner Wardle: I make a motion that we recommend approval of preliminary/final application for a small-scale subdivision to be known as Probst Meadow Subdivision. The preliminary/final plan includes three lots on 2.4 acres. The property is in the R-1-9 zone at 305 West Main Street. Approve the staff findings and the recommended conditions with an alteration to modify condition one (1) to include filing a separate document stating that they will move the fence upon development of the lots (building permits) and/or improvements to the existing roads.

**Seconded:** Commissioner Facer.

**Commissioner Garland:** Any discussion on the motion?

**Commissioner Garland:** All in favor.

**Ayes:** Commissioners: Wardle, Osborne, Nokes, Miles, Facer, Knight

**Motion:** Passed

**POSSIBLE FINDINGS:**

- The proposed lots meet the minimum requirements for the R-1-9 zoning district.
- The proposal does meet the intent of the General Plan for the R-1-9 zoning district.
- The subdivision as proposed contributes to the goals set forth in the Midway City General Plan by reducing density and keeping the area more open and rural feeling.

- 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 of time, the development's approval shall be voided, and both Preliminary and 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. 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. Approval (conditional). This action can be taken if the City Council feels 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 feels 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 feels that the request does not meet the intent of the ordinance.
  - a. Accept staff report
  - b. List accepted findings
  - c. Reasons for denial

**RECOMMENDED CONDITIONS:**

1. The existing fence along the north and east of the proposed subdivision shall be relocated where necessary to ensure that all portions of the fence are within the boundary of the proposed subdivision before the recording of the plat.

2. A note shall be included on the plat advising that only single-family dwellings are allowed on the lots unless all requirements are met that would allow a duplex or detached dwelling and the code still allows the option at the time the approval is sought.

# Midway City Corporation

Mayor: Celeste T. Johnson  
City Council Members  
Lisa Orme • Jeffery Drury  
J.C. Simonsen • Craig Simons  
Kevin Payne



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August 6, 2024

Michael Henke  
Midway City Planner  
75 North 100 West  
Midway, Utah 84049

**Subject: Probst Meadow Subdivision, Preliminary/Final Approval Review**

Dear Michael:

Midway Engineering recently reviewed the Probst Meadow Subdivision plans for Preliminary/Final review.

The proposed subdivision is a Small Lot subdivision located at approximately 350 West Main street. Two proposed lots will be just West of the existing home. If the improvements are not installed prior to recording the plat, a bond will be posted.

#### Water

- The proposed subdivision will be served from the Gerber-Mahogany pressure zone.
- The culinary meter should be installed near the center of the lot.

#### Roads

- No roads are proposed to be built with this Small Scale subdivision.

#### Storm Drain

- The storm-drain system will be contained within the shoulder of the existing road.

#### Trails

- No trails are proposed within this subdivision.

#### Landscaping

- There are no landscaping components within this subdivision.

Please feel free to call our office with any questions.

Sincerely,

Wesley Johnson, P.E.  
Midway City Engineer

cc: Mike Johnston      Atwell Engineering (sent via email)

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Lisa Christen • Jeffery Drury  
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## Probst Subdivision Final Approval

July 30, 2024

Michael Henke Midway City Planning Director,

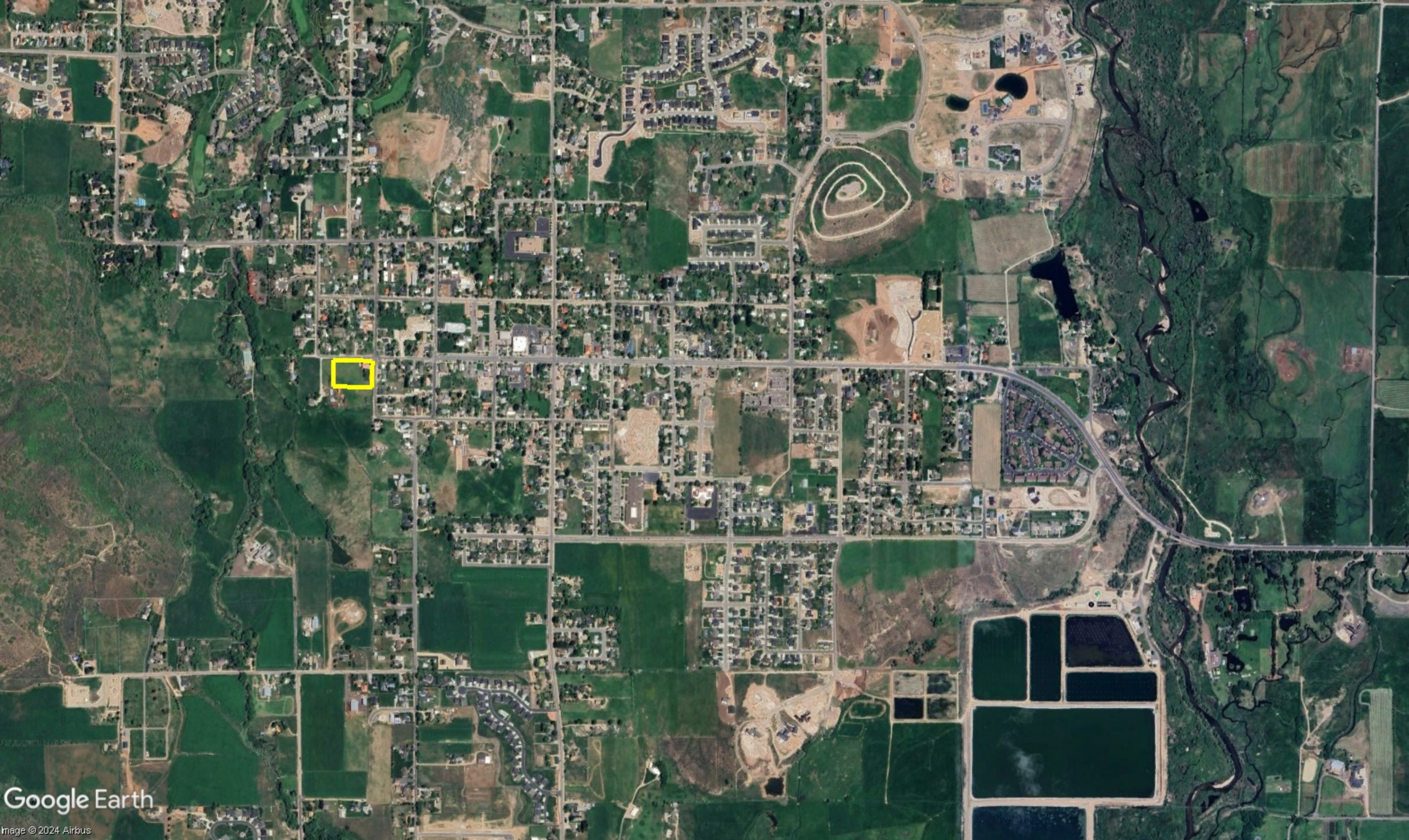
I have reviewed the plans for Probst Subdivision for compliance with the 2021 International Fire Code (2021 IFC). I do not see any fire code concerns with these Probst Subdivision plans at this time. I will be performing a walk through with Midway City Engineer Wes Johnson prior to substantial completion approval, before building permits can be applied for or issued.

Prior to accepting building permit applications for this project, the developer will need to have a pre-construction meeting with Midway City Engineer Wes Johnson and be granted substantial completion in writing by Midway City Engineer Wes Johnson. As the Fire Marshal I will need to verify fire hydrant locations and fire apparatus access road widths are installed per approved plans prior to permits being issued.

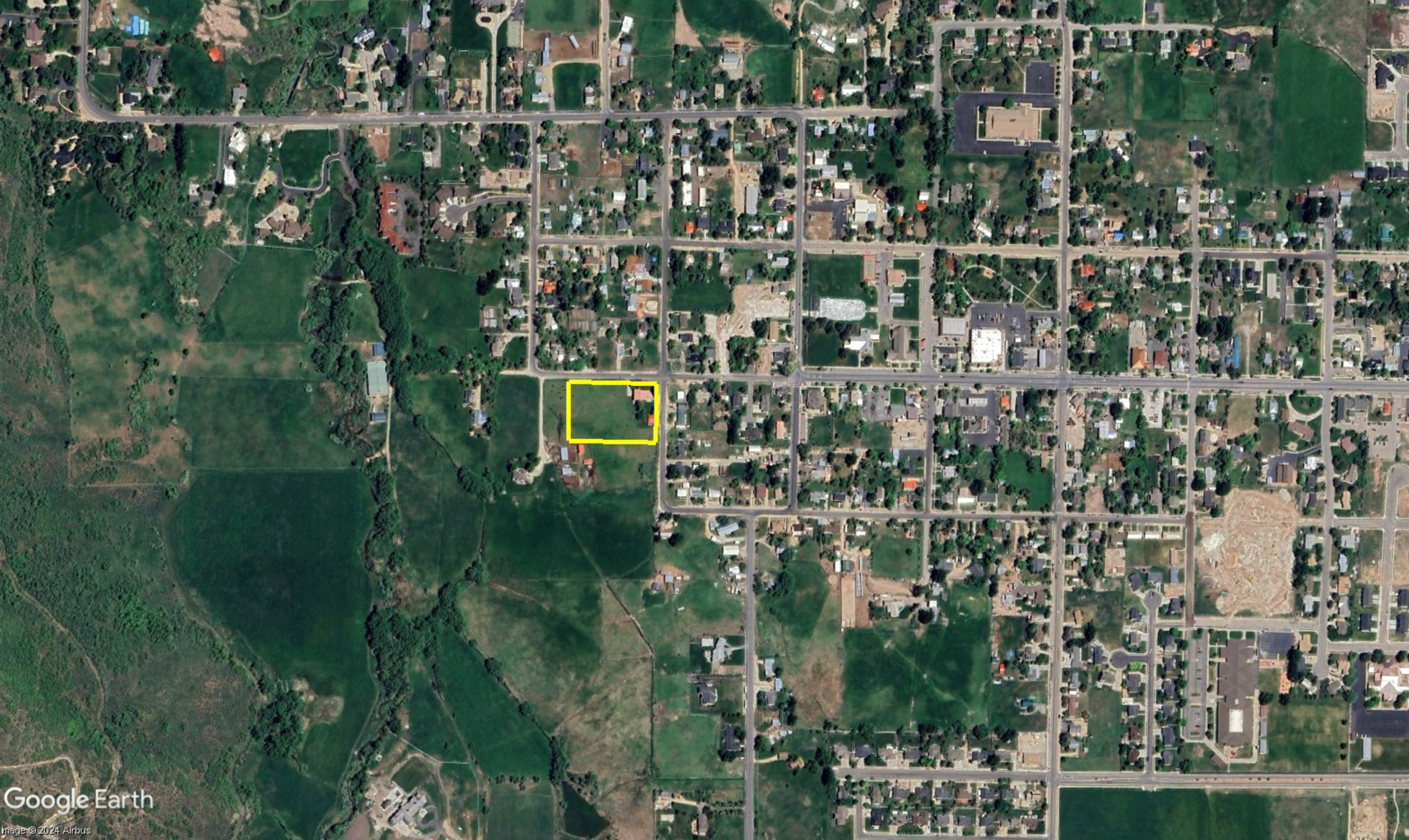


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