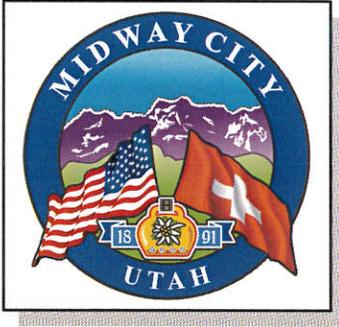


Midway City Council
19 November 2019
Regular Meeting

Burgi Hill Ranches PUD /
Second Plat Amendment



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: November 19, 2019

NAME OF PROJECT: Burgi Hill Ranches PUD

NAME OF APPLICANT: Gary Sinise Foundation

AGENDA ITEM: Plat Amendment of Burgi Hill Ranches PUD Lot 44

LOCATION: 290 East Saddle Drive

ZONING DESIGNATION: RA-1-43 zone

ITEM: 12

Rich Clifton, agent for the Gary Sinise Foundation, is requesting a Plat Amendment to Burgi Hill Ranches PUD plat. The amendment would adjust the building envelope on lot 44 to the southwest of where it is currently located and would increase the size of the building pad 400 square feet. The subdivision is located at 290 East Saddle Drive and is in the RA-1-43 zone.

BACKGROUND:

Rich Clifton is proposing a plat amendment to the Burgi Hill Ranches PUD. The amendment would adjust the building envelope from current location to the southwest on lot 44 which is 2.21 acres. This would allow a dwelling to be constructed in the location of the adjusted envelope if approved by the City Council. Burgi Hill Ranches is a Planned Unit Development (PUD) and, as with most PUDs, there are building envelopes on each lot. Structures can only be located within the designated envelope.

The applicant has stated the following reasons for petition for the amendment:

1. Currently the prescribed building pad sits at approximately 14 degrees skewed from the natural contours of the land, and 37% of the pad has natural slope that exceeds 25%.
2. The property which is 2.21 acres is the largest lot in the PUD and has the smallest building pads. The current pad location is also about as close as can be to the neighboring building pad.
3. We are requesting a modest 400 SF increase to the building pad which would still leave it as one of the smallest in the PUD. This change would allow us to build an appropriately sized home and decks for the scale of the lot
4. We would like to push the pad to the south on the lot approx. 64' and rotate it parallel with the natural slope of the land. This would bring the pad out of the 25+% grade area.
5. This slight move to the south would also allow the building to tuck into the hill better rather than sit askew of it.

Moving a building envelope not only affects the property owner of the lot where the envelope is being moved but it also impacts the surrounding property owners. If someone is considering purchasing a lot in a subdivision that has building envelopes that can analyze view corridors because they know where future dwellings will be built and to height they can be constructed. Some property owners may even design their home with windows and decks to take advantage of these view corridors. Some may even purchase a particular lot because of the knowledge of the building envelopes. But if a building envelope is moved then those corridors will change and can negatively impact the surrounding property owners. There are certain expectations that come along with a plat with building envelopes and these items should be considered when considering a plat amendment of this nature. It is unknown if any neighbors will object to the proposal. Notices were sent to all the neighboring property owners within 600 as required by State Law and by the Midway Municipal Code. Also, notice was given in the Wasatch Wave for the proposal and notice was posted on the State's website for public notices.

The proposal also petitions the City for 400 square feet increase to the building pad.

The applicant has included visuals to help describe the proposed changes (please see attached).

ANALYSIS:

A plat amendment and plat vacation are legislative items and the City Council is not obligated to allow any changes even if they feel that the applicant met the requirements of the Code. Subsection 9a-608(2)(a) states "a land use authority may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if:"

- (iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision;

Staff has reviewed the petition to consider if the proposal will violate any land use ordinances. It appears the proposed amendment conforms better with existing code than the current plat regarding the building pad and slope of the lot. Current code does not allow a building pad on slopes 25% or greater. According to the applicant, some of the existing building pad does exceed a 25% slope. The proposed building pad will not cover any areas above a 25% slope and would therefore be conforming to the current code.

As mentioned earlier, the proposal also petitions the City for 400 square feet increase to the building pad. The proposal does appear to be minor on a lot that is 2.21 acres.

PROPOSED FINDINGS:

- State law allows for the consideration of a plat amendment if the proposed amendment complies with the zoning ordinance
- State law states a plat amendment may be considered by the land use authority at a public meeting
- The proposal appears to conform better with existing code than the current plat
- No public street, right-of-way, or easement will be vacated or altered

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council finds the proposal complies with the land use ordinance.
 - a. Accept staff report
 - b. Reasons for approval (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 does not comply with the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

Dear Neighbors,

October 24, 2019

We at the Gary Sinise Foundation, RISE Program, are excited to have just announced that we are going to be building a specially adapted custom smart home in your neighborhood. We will be doing this at 290 E. Saddle Dr. This home is being built, mortgage free, for USMC SSgt Jonathon Blank. Jonathon was severely wounded in 2010 while serving his country with special forces in Afghanistan. I encourage you to learn more about the Gary Sinise Foundation and Jonathon's story by visiting our website, www.garysinisefoundation.org

Upon finalizing details of the new homes custom design and details to meet the needs that Jon has, we have discovered a need for a slight adjustment in the prescribed building envelope. That need is why you are hearing from us today. Two things are needed: A slight increase in the width of the envelope as well as a shift of the overall envelope to the south, in order to get the home off of one of the steeper parts of the lot.

Technically here are some details as laid out by the local design firm that is helping us navigate this process:

- Currently the prescribed building pad sits at approximately 14 degrees skewed from the natural contours of the land, and 37% of the pad has natural slope that exceeds 25%.
- The property which is 2.21 acres is the largest lot in the PUD and has the smallest building pads. The current pad location is also about as close as can be to the neighboring building pad.
- We are requesting a modest 400 SF increase to the building pad which would still leave it as one of the smallest in the PUD. This change would allow us to build an appropriately sized home and decks for the scale of the lot
- We would like to push the pad to the south on the lot approx. 64' and rotate it parallel with the natural slope of the land. This would bring the pad out of the 25+% grade area.
- This slight move to the south would also allow the building to tuck into the hill better rather than sit askew of it.

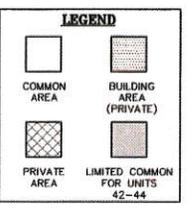
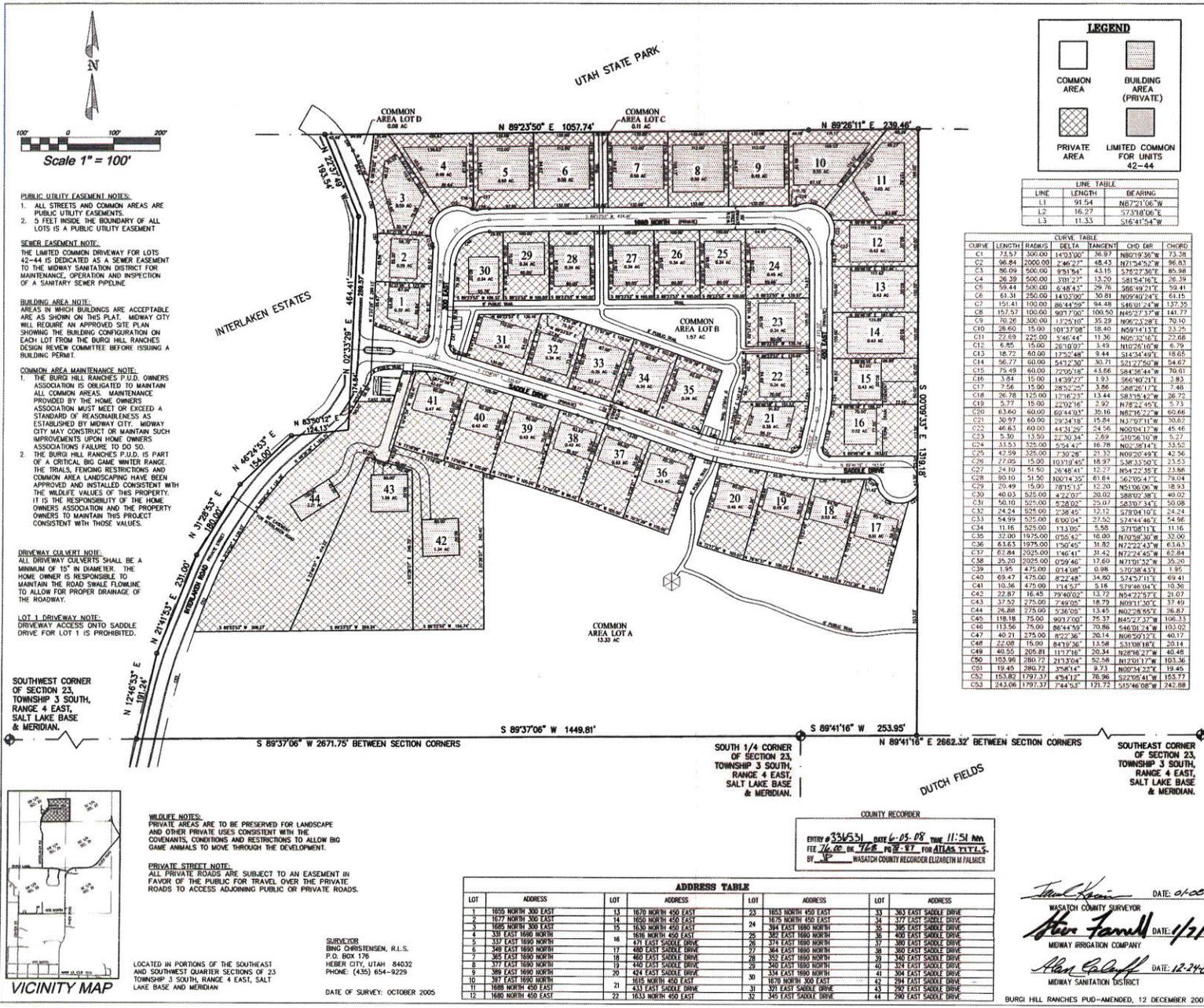
If you have specific questions as it relates to the details of this request, I encourage you to call Rich Cliften of Clif10 Design, 435-225-6420 (rich@clif10.com). Rich and his team have a very good handle on the specifics of what we are looking to accomplish.

We as a foundation are very grateful for the support that we have received in your local community over the past few months as we have been working with local professionals to develop this project. We request and would be very pleased to have your support in this next step of the process as well. I also hope that you all will get a chance to meet and welcome Jonathon to your neighborhood in the days ahead. Thank you.

Respectfully Submitted,

Pete Franzen Sr. Project Manager
Gary Sinise Foundation RISE program.
pfranzen@garysinisefoundation.org





LINE TABLE

LINE	LENGTH	BEARING
L1	11.54	N62°30'6\"
L2	16.27	S73°18'0\"
L3	11.33	S16°41'54\"

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHD	CHORD
C1	23.97	3000.00	143.032°	38.97	N60°19'36\"	73.38
C2	56.84	2000.00	274°27'48.43	N23°27'30\"	96.83	
C3	96.09	500.00	87°01'54\"	43.15	S72°27'30\"	85.98
C4	26.39	500.00	330°27'30\"	13.20	N61°54'36\"	28.39
C5	59.44	500.00	62°48'41\"	29.76	S61°54'36\"	59.44
C6	61.31	250.00	143°37'00\"	30.81	N69°24'24\"	61.31
C7	151.43	100.00	86.432°	64.48	S60°12'48\"	177.35
C8	157.57	100.00	90°17'00\"	100.50	N45°17'57\"	147.77
C9	70.26	300.00	172°25'10\"	35.29	N06°23'28\"	70.10
C10	28.60	15.00	101°37'36\"	18.40	N61°41'36\"	23.75
C11	22.63	225.00	53°46'44\"	11.36	N61°30'24\"	22.63
C12	6.85	15.00	261°07'00\"	3.49	N10°26'10\"	6.79
C13	18.72	60.00	172°52'48\"	9.44	S72°52'48\"	18.65
C14	56.77	60.00	543°23'00\"	30.71	S21°27'50\"	54.67
C15	75.49	60.00	72°02'18\"	43.66	S43°28'44\"	70.61
C16	9.84	15.00	143°07'17\"	1.93	S61°07'17\"	9.83
C17	7.58	15.00	282°57'57\"	3.86	N61°30'24\"	7.48
C18	26.78	125.00	121°16'23\"	13.44	S43°16'42\"	26.72
C19	5.77	15.00	232°02'36\"	7.92	N18°24'00\"	5.73
C20	63.60	60.00	69°44'03\"	30.16	N81°26'22\"	60.66
C21	36.97	60.00	29°24'18\"	15.84	N33°07'11\"	36.62
C22	46.61	60.00	44°32'00\"	24.56	N00°03'17\"	45.46
C23	5.30	115.00	22°30'34\"	2.89	N105°10'10\"	5.27
C24	33.53	125.00	53°47'47\"	16.78	N02°48'14\"	33.52
C25	49.99	125.00	73°02'36\"	21.32	N02°04'42\"	42.96
C26	37.05	15.00	103°18'45\"	18.97	S38°33'50\"	37.53
C27	24.10	51.50	26°48'41\"	12.27	N54°22'35\"	23.88
C28	60.01	51.50	100°14'05\"	61.64	N02°04'42\"	78.04
C29	20.49	15.00	78°15'13\"	11.20	N51°06'06\"	18.93
C30	46.03	525.00	42°42'07\"	20.02	S88°07'38\"	46.02
C31	60.10	1025.00	52°28'02\"	29.07	S43°30'24\"	50.08
C32	24.24	625.00	238.40	12.12	S78°04'10\"	24.24
C33	54.99	525.00	630°04\"	27.52	S74°44'46\"	54.96
C34	11.16	1025.00	133.90°	5.58	S71°01'17\"	11.16
C35	32.00	1175.00	095.54°	16.00	N70°08'30\"	32.00
C36	63.63	1275.00	136°45'37\"	31.82	N72°22'43\"	63.63
C37	67.86	1025.00	146°41'31\"	31.42	N72°22'43\"	67.84
C38	35.20	1025.00	099.40°	17.60	N71°01'52\"	35.20
C39	1.95	4275.00	014.00°	0.98	S70°48'43\"	1.95
C40	69.47	475.00	82°24'02\"	34.90	S74°21'17\"	69.41
C41	10.56	475.00	114.57°	5.18	S78°48'04\"	10.36
C42	27.87	16.45	79°40'02\"	13.72	N4°27'57\"	21.07
C43	37.92	175.00	74°00°	18.79	N00°11'01\"	37.49
C44	26.88	275.00	536.00°	13.45	N02°28'55\"	26.87
C45	118.18	75.00	360°27'00\"	75.37	S45°27'37\"	106.33
C46	113.56	75.00	88°44'59\"	70.86	S46°00'24\"	103.02
C47	40.21	275.00	872°36\"	20.14	N08°50'13\"	40.17
C48	22.08	175.00	849°36\"	11.58	S11°08'10\"	20.14
C49	40.50	105.00	111°71°	20.34	S02°08'27\"	40.46
C50	103.90	280.72	213°04\"	52.58	N12°01'17\"	103.36
C51	19.45	280.72	328°44\"	9.73	N06°24'22\"	19.45
C52	153.82	1787.37	434.17°	76.96	S70°38'41\"	153.77
C53	243.06	1787.37	744.57°	121.72	S15°46'08\"	242.88

SURVEYOR'S CERTIFICATE
 IN ACCORDANCE WITH SECTION 10-96-803 OF THE UTAH CODE, I, BING CHRISTENSEN, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 145796 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: 1-03-09
 SURVEYOR: BING CHRISTENSEN

BOUNDARY DESCRIPTION
 BEGINNING AT THE 1995 WASATCH COUNTY SURVEY MONUMENT FOR THE NORTH ONE-QUARTER CORNER OF SECTION 26, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN; AND RUNNING THENCE SOUTH 89°37'06\"

BASIS OF BEARINGS
 THE BASIS OF BEARINGS FOR THIS SURVEY WAS ESTABLISHED AS NORTH 89°41'16\"

RESERVATION OF COMMON AREA
 THE OWNER HAS DESIGNATED HEREIN CERTAIN COMMON AREAS INTENDED FOR THE EXCLUSIVE USE BY THE OWNERS, THEIR GUESTS, AND INVITES, AND SUCH AREA IS HEREBY RESERVED FOR THEIR PROTECTIVE EASEMENTS, COMMON USE AND ENJOYMENT AS PROVIDED IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF BURGI HILL RANCHES P.U.D.

OWNER'S DEDICATION
 THE UNDERSIGNED OWNER(S) OF THE PROPERTY DESCRIBED HEREON, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO PRIVATE STREETS, PUBLIC TRAIL RIGHTS-OF-WAY, EASEMENTS, PRIVATE AREAS, LIMITED COMMON, AND COMMON AREAS AND HEREBY DEDICATE(S) THOSE AREAS LABELED AS PUBLIC RIGHTS-OF-WAY, EASEMENTS, AND COMMON AREA, FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS 03 DAY OF JANUARY, A.D. 2009
 BURGI HILL P.U.D.
 BY: JOSH ROBERTS, MANAGER

ACKNOWLEDGMENT
 STATE OF UTAH } S.S.
 COUNTY OF WASATCH }
 BEFORE ME, _____ DAY OF _____, A.D. 2009, I PERSONALLY APPEARED _____ WHO DULY ACKNOWLEDGED TO ME THAT HE 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 PLANNED UNIT DEVELOPMENT AND ACCEPTS THE DEDICATION OF EASEMENTS AND PUBLIC RIGHTS-OF-WAY HEREOF SHOWN.
 THIS 24 DAY OF DECEMBER, A.D. 2008
 APPROVED: _____ MAYOR
 APPROVED: _____ CITY CLERK
 APPROVED: _____ CITY ATTORNEY

PLANNING COMMISSION APPROVAL
 APPROVED THIS 24th DAY OF DECEMBER, A.D. 2008 BY THE CITY PLANNING COMMISSION
 _____ CHAIRMAN
 _____ SECRETARY

BURGI HILL RANCHES P.U.D. - AMENDED
 A PLANNED UNIT DEVELOPMENT, MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH
 SCALE: 1" = 100' FEET
 SURVEYOR'S SEAL: BING CHRISTENSEN
 NOTARY PUBLIC SEAL: _____
 CITY ENGINEER SEAL: _____
 CLERK-RECORDER SEAL: _____
 DATE: 12-27-07

ADDRESS TABLE

LOT	ADDRESS	LOT	ADDRESS	LOT	ADDRESS	LOT	ADDRESS
1	1655 NORTH 300 EAST	13	1670 NORTH 450 EAST	23	1685 NORTH 450 EAST	33	363 EAST SADDLE DRIVE
2	1672 NORTH 300 EAST	14	1650 NORTH 450 EAST	24	1675 NORTH 450 EAST	34	377 EAST SADDLE DRIVE
3	1688 NORTH 300 EAST	15	1630 NORTH 450 EAST	25	1655 NORTH 450 EAST	35	391 EAST SADDLE DRIVE
4	1698 NORTH 300 EAST	16	1610 NORTH 450 EAST	26	1635 NORTH 450 EAST	36	405 EAST SADDLE DRIVE
5	1712 NORTH 300 EAST	17	1590 NORTH 450 EAST	27	1615 NORTH 450 EAST	37	419 EAST SADDLE DRIVE
6	1728 NORTH 300 EAST	18	1570 NORTH 450 EAST	28	1595 NORTH 450 EAST	38	433 EAST SADDLE DRIVE
7	1745 NORTH 300 EAST	19	1550 NORTH 450 EAST	29	1575 NORTH 450 EAST	39	447 EAST SADDLE DRIVE
8	1762 NORTH 300 EAST	20	1530 NORTH 450 EAST	30	1555 NORTH 450 EAST	40	461 EAST SADDLE DRIVE
9	1780 NORTH 300 EAST	21	1510 NORTH 450 EAST	31	1535 NORTH 450 EAST	41	475 EAST SADDLE DRIVE
10	1798 NORTH 300 EAST	22	1490 NORTH 450 EAST	32	1515 NORTH 450 EAST	42	489 EAST SADDLE DRIVE
11	1818 NORTH 300 EAST					43	503 EAST SADDLE DRIVE
12	1838 NORTH 300 EAST					44	517 EAST SADDLE DRIVE

VICINITY MAP
 LOCATED IN PORTIONS OF THE SOUTHEAST AND SOUTHWEST QUARTER SECTIONS OF 23, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.
 SURVEYOR: BING CHRISTENSEN, R.L.S.
 P.O. BOX 176
 HEBER CITY, UTAH 84032
 PHONE: (435) 654-9229
 DATE OF SURVEY: OCTOBER 2005

COUNTY RECORDER
 ENTRY # 336531 DATE 6-05-08 TIME 11:51 AM
 FEE 76.00 OR 768.00 PER 87 FOR ALIAS TITLE S.
 BY _____ WASATCH COUNTY RECORDER ELIZABETH M. PALMER



ORIGINAL PLAT
SCALE: 1" = 30'



CLIF¹⁰
cliften design
Rich Cliften

Cliften Design, LLC
rich@clif10.com
435-225-6420
www.clif10.com

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NEW RESIDENCE:
BLANK
LOT # 44
290 EAST SADDLE DRIVE MIDWAY UTAH

191008

A0.1



CLIF¹⁰
cliften design

Rich Cliften

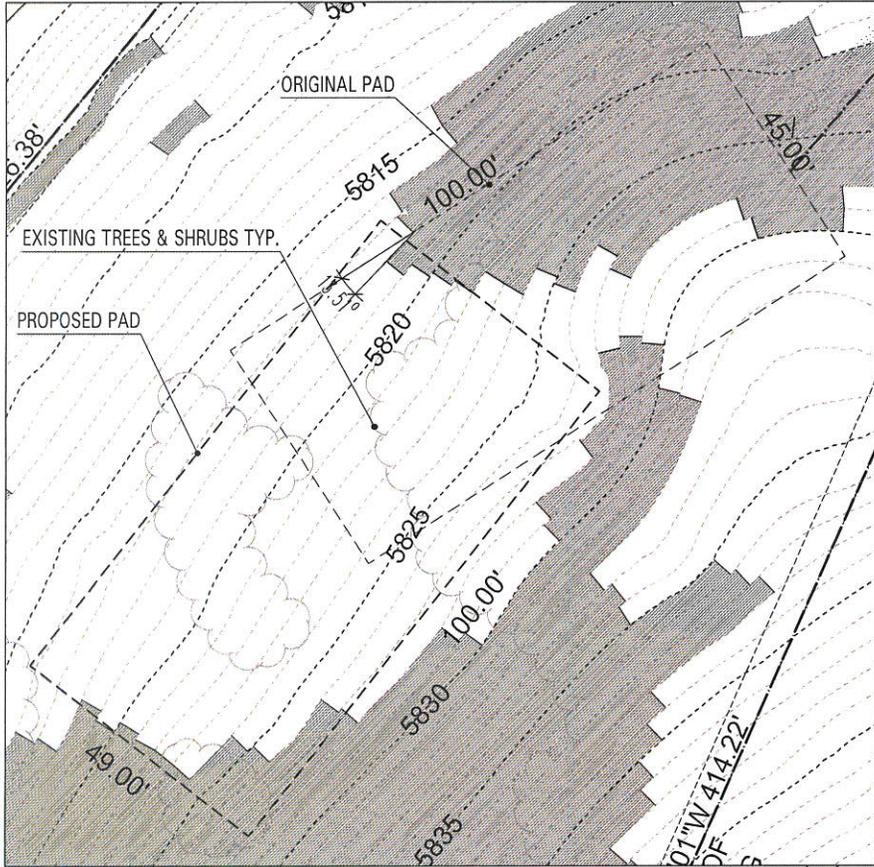
Cliften Design, LLC
rich@clif10.com
435-225-6420
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NEW RESIDENCE:
BLANK
LOT # 44
290 EAST SADDLE DRIVE MIDWAY UTAH

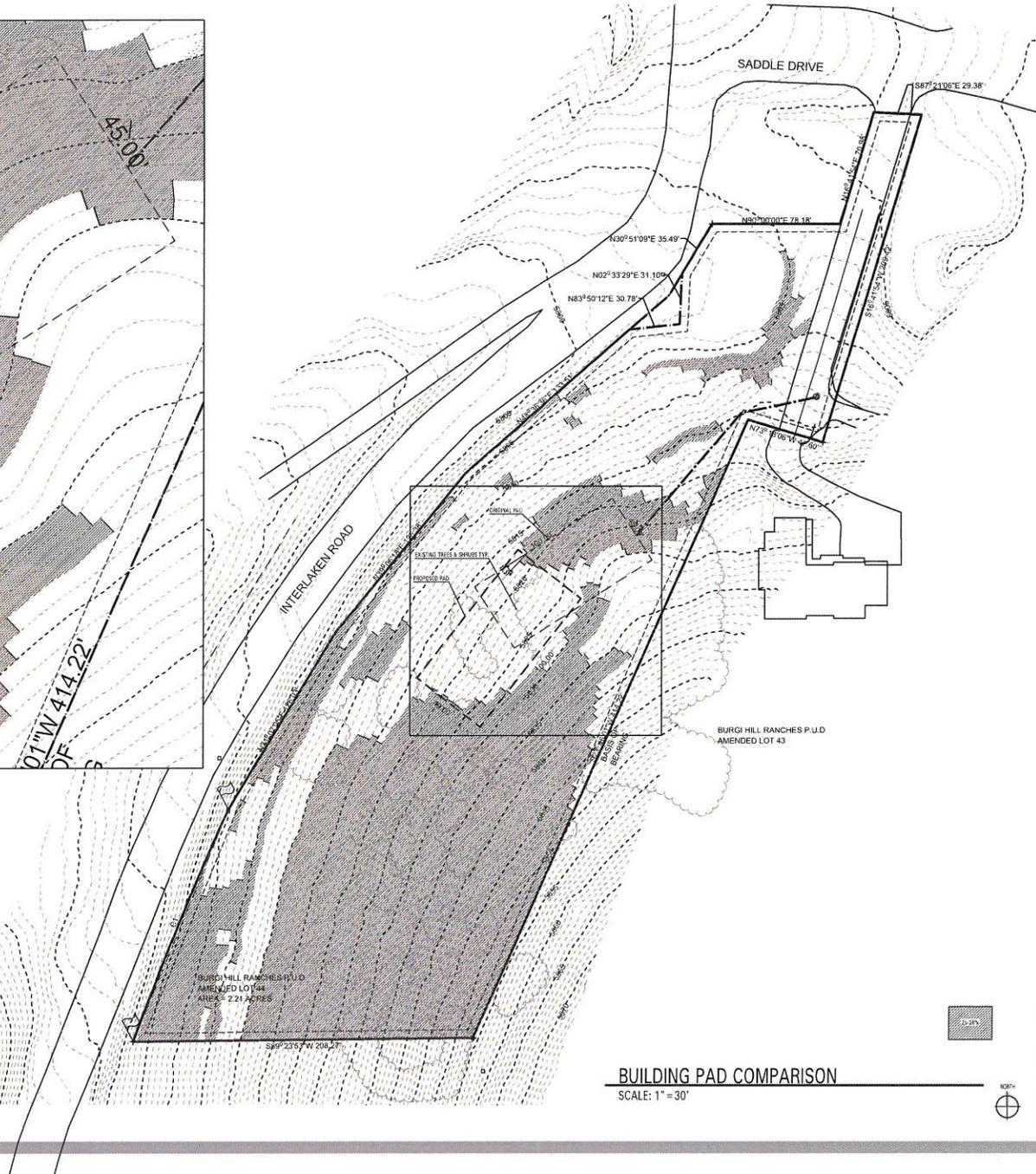
191008

A0.2



BUILDING PAD COMPARISON DETAIL

SCALE: 1" = 10'



BUILDING PAD COMPARISON

SCALE: 1" = 30'

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**NEW RESIDENCE:
BLANK
LOT # 44
290 EAST SADDLE DRIVE MIDWAY UTAH**

191023
A0.3



BURGI HILL RANCHES P.U.D.
 AMENDED LOT 44
 AREA: 2.21 ACRES

BURGI HILL RANCHES P.U.D.
 AMENDED LOT 43

PROPOSED SITE PLAN
 SCALE: 1" = 30'



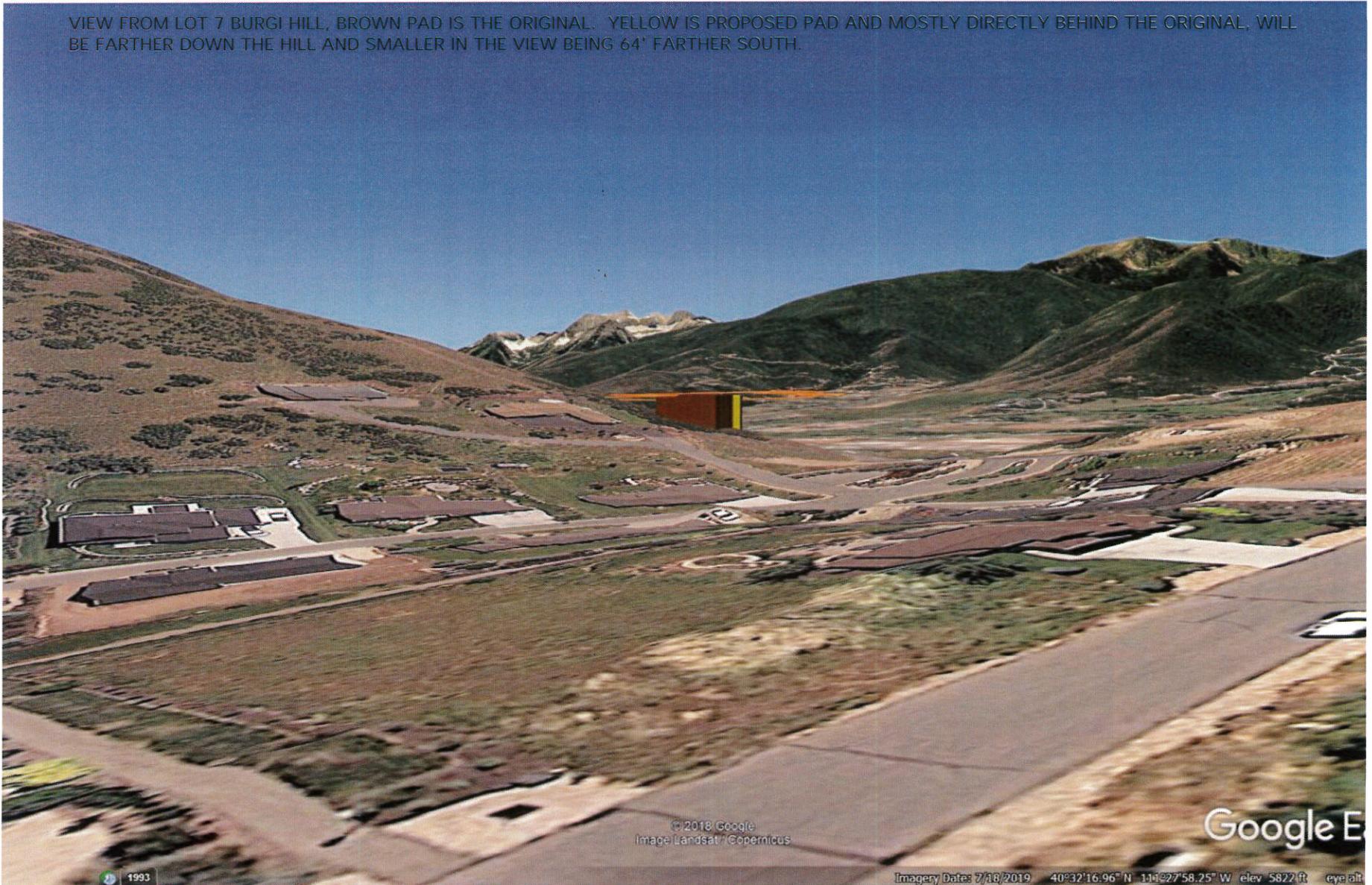
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NEW RESIDENCE:
 BLANK
 LOT # 44
 290 EAST SADDLE DRIVE MIDWAY UTAH

191008
A0.4

VIEW FROM LOT 7 BURGI HILL, BROWN PAD IS THE ORIGINAL. YELLOW IS PROPOSED PAD AND MOSTLY DIRECTLY BEHIND THE ORIGINAL, WILL BE FARTHER DOWN THE HILL AND SMALLER IN THE VIEW BEING 64' FARTHER SOUTH.



© 2018 Google
Image Landsat / Copernicus

Google E

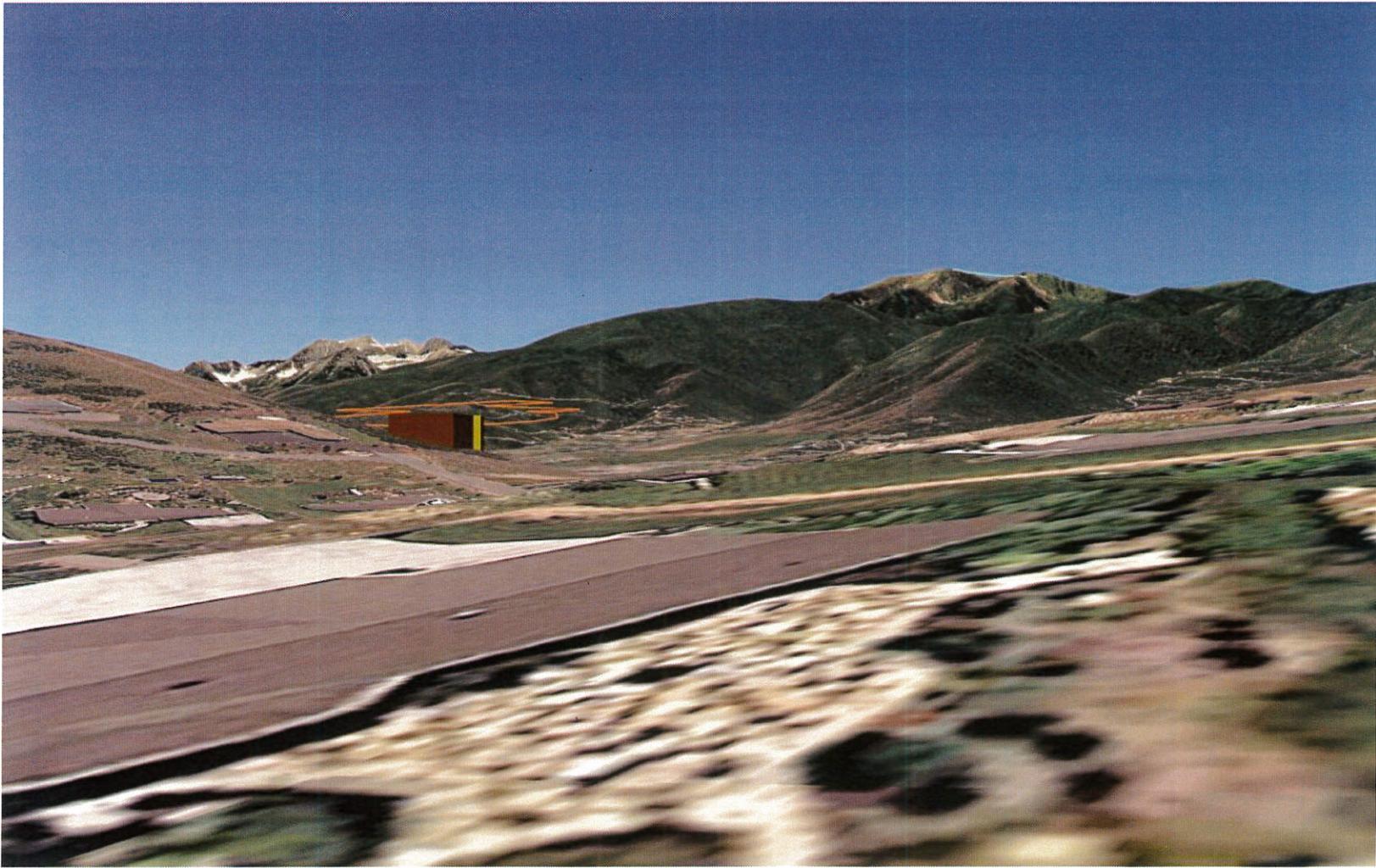
1993

Imagery Date: 7/18/2019 40°32'16.96" N 111°27'58.25" W elev 5827 ft eye alt

VIEW FROM LOT 5 BURGI HILL, BROWN PAD IS THE ORIGINAL. YELLOW IS PROPOSED PAD AND MOSTLY DIRECTLY BEHIND THE ORIGINAL, WILL BE FARTHER DOWN THE HILL AND SMALLER IN THE VIEW BEING 64' FARTHER SOUTH.



VIEW FROM LOT 29 BURGI HILL, BROWN PAD IS THE ORIGINAL. YELLOW IS PROPOSED PAD AND MOSTLY DIRECTLY BEHIND THE ORIGINAL, WILL BE FARTHER DOWN THE HILL AND SMALLER IN THE VIEW BEING 64' FARTHER SOUTH.



VIEW OF PADS FROM INTERLAKEN

