

**Midway City Council
18 June 2019
Regular Meeting**

Zone Boundary Determination



CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: June 18, 2019
NAME OF APPLICANT: Neil Karl
AGENDA ITEM: Zone Boundary Clarification
LOCATION OF ITEM: 52 South 450 East
ZONING DESIGNATION: R-1-11 and C-2

ITEM: 17

Bob Grieve is requesting a Zone Boundary Clarification regarding his parcel that is dissected by the R-1-11 and C-2 zones. The property is located at 250 West and 151 South.

BACKGROUND & ANALYSIS:

Neil Karl owns parcel OZD-0010-0-035-034 which is 0.41 acres in size and is located at 52 South 450 East. The property is lot 10 in the Midway Valley Estates Subdivision. The lot is dissected by two separate zones being the R-1-11 and C-2 zones and the applicant is asking that the entire parcel is considered in the R-1-11 zone. The Midway Valley Estates Subdivision plat includes a note that restricts lot 10 to residential uses only. The applicant would like his property to be completely R-1-11 so he can enjoy the property rights offered by the residential zone and not be restricted by the C-2 zone even though he is not allowed any commercial uses on his property.

When a parcel is in two separate zones the code allows the City Council to consider allowing the zone boundary line to extend to the entire parcel as long as it is not more than 100'. Section 16.13.30 state the following:

Uses which are permitted on either portion of a lot which lot is divided by a zone boundary line or which is coterminous with a zone boundary line may be permitted to extend to the entire lot, but not more than 100 feet beyond the boundary line of such zone in which such use is permitted. Before a permit for such a use may be granted, however, the City Council must find that the General Plan of zoning will be maintained and that a more harmonious mixing of uses will be achieved thereby.

The measured distance from the north boundary of the zone line to the applicant's north boundary is about 90'. Because the distance is less than the 100' maximum as described in the code the City Council is able to make a zone boundary determination without requiring a zone map amendment. If the City Council does approve the petition, staff will make the adjustment on the land use map, so the entire parcel will be zoned R-1-11.

Before the City Council can extend the zone boundary the City Council must find the following findings:

1. The General Plan of zoning will be maintained
2. That a more harmonious mixing of uses will be achieved thereby.

POSSIBLE FINDINGS:

- The lot is dissected by two zones
- The property is restricted to residential uses only as noted on the plat
- There is about 90' of the property in the C-2 zone

ALTERNATIVE ACTIONS:

1. Approval. This action can be taken if the City Council feels proposal is acceptable and in the community's best interest.
 - 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 is not acceptable and not in the best interest of the community.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

Mayor
Celeste Johnson
City Council
Lisa Christen • Jeff Drury
Bob Probst • JC Simonsen
Ken Van Wagoner



75 North 100 West
P.O. Box 277
Midway, Utah 84049
Phone: 435-654-3223
Fax: 435-654-4120
midwaycityut.org

Request to be on a City Council Agenda

Name: Neil Karl Organization: _____

Phone: (435) 671-5015 Email: neiljkarl@gmail.com

Mailing Address: 52 S 450 E City: Midway

State: UT Zip: 84049

Reason for Request:

My property is located in between the C-2 commercial zone and the R-1-11 residential zone and I

am asking for my property to be rezoned to only R-1-11 so that I can enjoy all the permitted

uses of having a residential property and not be governed by any C-2 regulations. The front of my

property is residential but the back is commercial. Please consider my request for the June 18th

City Council meeting.

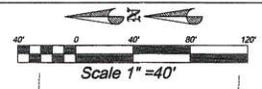
Please Note:

1. This is a general application. Specific applications are required for land use approvals, conditional use permits, etc.
2. Return this completed application to the city recorder's office or email to bwilson@midwaycityut.org.
3. You will be notified within 2 weeks if your request to be on the agenda is approved or declined.
4. City council regular meetings are held on the 2nd and 4th Wednesdays of each month at 6:00 p.m. in the Midway Community Center (160 West Main Street). City council work meetings are held the same days at 10:00 a.m. in the Midway City Office Building (75 North 100 West). Your item will be considered at both meetings.
5. Please provide supplemental information for your item no later than the Thursday before the meeting. This information will be provided to the Council prior to the meeting.

For Office Use Only

Date Received: _____ Date Approved: _____ Meeting Date: _____

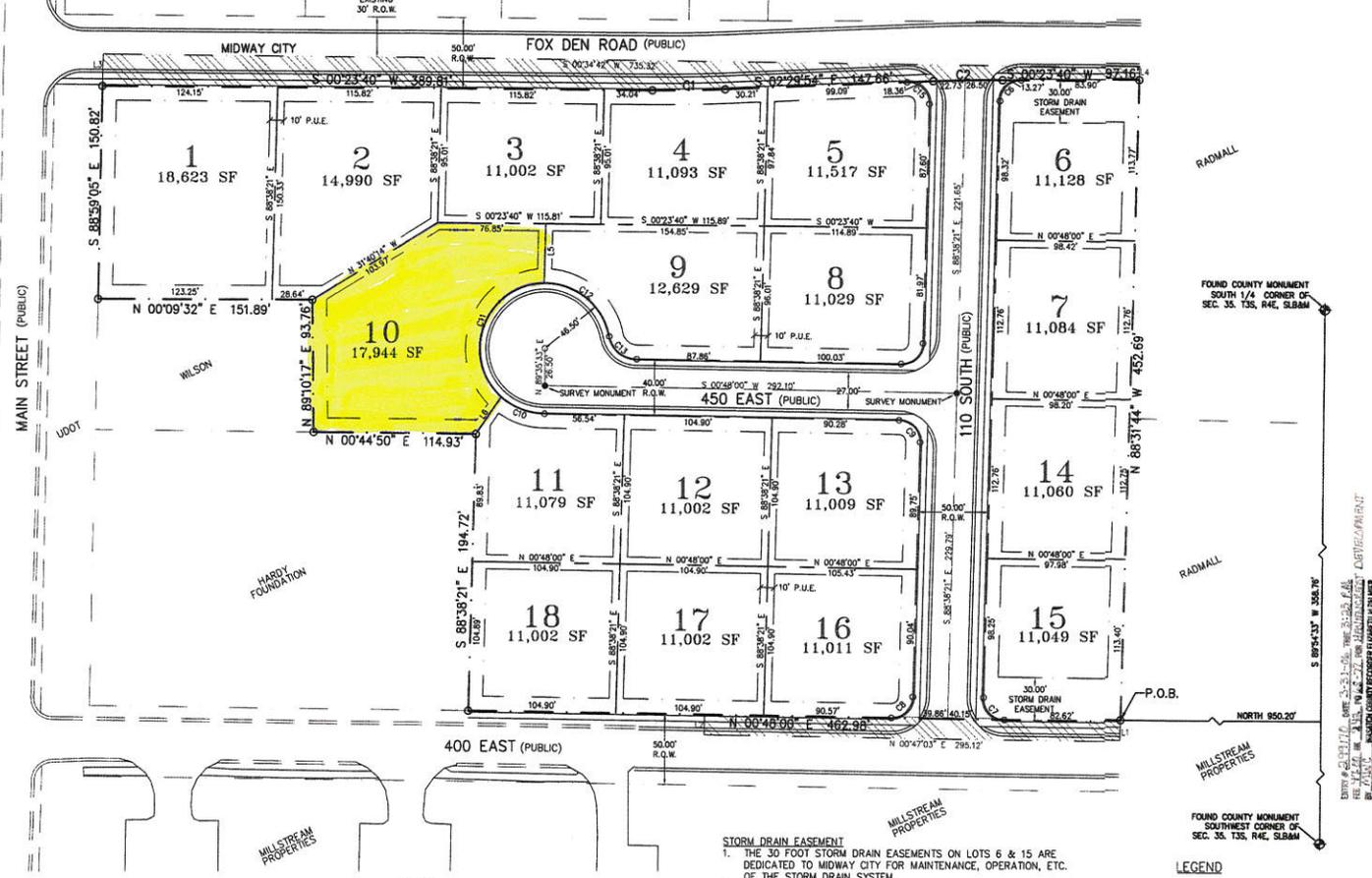




BASIS OF BEARING
 THIS SURVEY WAS BEGUN AT THE BRASS CAP MONUMENT ON MEMORIAL HILL. BASIS OF BEARING IS THE RECORDED BEARING OF THE SECTION LINE BETWEEN THE SOUTH 1/4 CORNER, AND THE SOUTHWEST CORNER, OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, MIDWAY COORDINATE SYSTEM.

SURVEYOR'S CERTIFICATE
 I, F. LEWIS PRATT, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 149065 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS, BLOCKS, STREET AND EASEMENTS.

28 February 2006
 DATE SURVEYOR (SEE SEAL BELOW)



BOUNDARY DESCRIPTION
 BEGINNING AT A POINT WHICH IS SOUTH 89°54'33" WEST ALONG THE SECTION LINE 358.76 FEET AND NORTH 950.20 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN;
 THENCE NORTH 00°48'00" EAST 462.89 FEET; THENCE SOUTH 88°38'21" EAST 194.72 FEET; THENCE NORTH 00°44'50" EAST 114.93 FEET; THENCE NORTH 89°10'17" EAST 93.76 FEET; THENCE NORTH 00°09'32" EAST 151.89 FEET; THENCE SOUTH 88°59'05" EAST 150.82 FEET; THENCE SOUTH 02°23'40" WEST 389.81 FEET; THENCE ALONG THE ARC OF A 1028.00 FOOT RADIUS CURVE TO THE RIGHT 51.75 FEET (CENTRAL ANGLE OF 02°53'34" AND CHORD OF SOUTH 01°03'07" EAST 51.74 FEET); THENCE SOUTH 02°29'54" EAST 147.66 FEET; THENCE ALONG THE ARC OF A 975.00 FOOT RADIUS CURVE TO THE LEFT 49.22 FEET (CENTRAL ANGLE OF 02°53'34" AND CHORD OF SOUTH 01°03'07" EAST 49.22 FEET); THENCE SOUTH 02°23'40" WEST 87.88 FEET; THENCE NORTH 88°31'44" WEST 452.69 FEET TO THE POINT OF BEGINNING.
 CONTAINING: 5.93 ACRES

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 STREETS, AND EASEMENTS, AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE DECLARATION HEREBY DEDICATE THOSE AREAS LABELED AS PUBLIC STREETS AND EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF PUBLIC UTILITIES AND EMERGENCY VEHICLE ACCESS.

DATED THIS _____ DAY OF _____, A.D. 20____
 BY: _____
 MANAGER, HAVENCREST DEVELOPMENT 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 CITY ENGINEER (SEE SEAL BELOW) CLERK-RECORDER (SEE SEAL BELOW)
 APPROVED _____ APPROVED _____
 CITY ENGINEER (SEE SEAL BELOW) CITY ATTORNEY

PLANNING COMMISSION APPROVAL
 APPROVED THIS _____ DAY OF _____, A.D. 20____ BY THE
 _____ CITY PLANNING COMMISSION
 _____ DIRECTOR - SECRETARY _____ CHAIRMAN, PLANNING COMMISSION

MIDWAY VALLEY ESTATES SUBDIVISION
 MIDWAY CITY, WASATCH COUNTY, STATE OF UTAH
 SCALE: 1" = 40 FEET

APPROVED _____ DATE: _____
 MIDWAY SANITATION DISTRICT

APPROVED _____ DATE: _____
 MIDWAY IRRIGATION COMPANY

APPROVED _____ DATE: _____
 MIDWAY WATER BOARD

NOTARY PUBLIC SEAL
 CITY ENGINEER SEAL
 CLERK-RECORDER SEAL

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	BEARING
C1	51.75	1025.00	02°53'34"	51.74	S 01°03'07" E
C2	49.22	975.00	02°53'34"	49.22	S 01°03'07" E
C6	23.31	15.00	89°02'01"	21.03	N 44°07'21" W
C7	23.71	15.00	90°33'39"	21.32	S 46°04'49" W
C8	23.42	15.00	89°26'21"	21.11	S 43°55'11" E
C9	23.71	15.00	90°33'39"	21.32	N 46°04'49" E
C10	33.80	46.50	41°38'38"	33.06	N 20°48'01" E
C11	111.55	46.50	137°26'47"	86.66	N 69°34'30" W
C12	64.87	46.50	79°56'08"	59.74	N 39°06'57" E
C13	27.33	20.00	78°07'01"	25.25	N 39°56'31" E
C14	23.42	15.00	89°26'21"	21.11	S 43°55'11" E
C15	24.57	15.00	93°51'33"	21.92	N 44°25'53" E

- NOTES:**
- LOTS 1 AND 2 MAY BE COMMERCIAL OR RESIDENTIAL. ALL COMMERCIAL BUILDINGS SHALL CONFORM TO THE C2 ZONING REGULATIONS.
 - LOT 10 SHALL BE RESTRICTED TO RESIDENTIAL.
 - IF LOTS 1 AND/OR 2 ARE USED FOR COMMERCIAL PURPOSES (IF ALLOWED BY MIDWAY CITY ZONING AND BY RESTRICTIONS ON THIS PLAT), ADDITIONAL WATER RIGHTS MAY FIRST BE REQUIRED TO BE PROVIDED TO THE CITY BEFORE THE COMMERCIAL USES COMMENCES, IN AMOUNTS DETERMINED BY THE CITY COUNCIL.

LINE TABLE

LINE	LENGTH	BEARING
L1	14.28	N 88°31'44" W
L2	14.36	S 89°07'40" E
L3	22.23	S 88°59'05" E
L4	9.87	N 88°31'44" W
L5	41.93	S 88°38'26" E
L6	31.66	S 55°45'36" E

- STORM DRAIN EASEMENT**
- THE 30 FOOT STORM DRAIN EASEMENTS ON LOTS 6 & 15 ARE DEDICATED TO MIDWAY CITY FOR MAINTENANCE, OPERATION, ETC. OF THE STORM DRAIN SYSTEM.
 - OWNERS OF LOTS 6 & 15 SHALL NOT INTERFERE WITH OR CHANGE FUNCTION OF THE STORM DRAIN PONDS.
 - LOT OWNER SHALL MAINTAIN THE GRADING AND LANDSCAPING OF THE POND. NO LANDSCAPING WITH THE FUNCTION OF THE POND.

ADDRESS TABLE

LOT	ADDRESS	LOT	ADDRESS
1	22 FOX DEN ROAD	10	52 SOUTH 450 EAST
2	42 FOX DEN ROAD	11	64 SOUTH 450 EAST
3	62 FOX DEN ROAD	12	84 SOUTH 450 EAST
4	82 FOX DEN ROAD	13	104 SOUTH 450 EAST
5	102 FOX DEN ROAD	14	441 EAST 110 SOUTH
6	481 EAST 110 SOUTH	15	421 EAST 110 SOUTH
7	461 EAST 110 SOUTH	16	105 SOUTH 400 EAST
8	103 SOUTH 450 EAST	17	85 SOUTH 400 EAST
9	83 SOUTH 450 EAST	18	65 SOUTH 400 EAST

LEGEND

DEDICATE TO MIDWAY CITY

APPROVED _____ DATE: _____
 James G. Kaiser
 Wasatch County Surveyor

SRC: MIDWAY/MIDWAY_VALLEY_ESTATES_PLAT - 25 FEBRUARY 2006

SURVEYOR
 F. LEWIS PRATT, RLS #149065
 2230 N UNIVERSITY PARKWAY
 BUILDING 6D
 PROVO, UTAH 84604
 PHONE: (801) 374-6262
 DATE OF SURVEY: AUG 2005

