Midway City Council
6 November 2018
Work Meeting

Reed Bezzant Subdivision / Lot Split

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: November 6, 2018

NAME OF PROJECT: Reed Bezzant Property Lot 9 lot split

NAME OF APPLICANT: Steven and Kala Francis

AGENDA ITEM: Plat Amendment

LOCATION OF ITEM: 95 South 700 East

ZONING DESIGNATION: R-1-11

ITEM: 6

Steven and Kala Francis are proposing a plat amendment of the Reed Bezzant Property (14-lot subdivision). The proposal is to divide lot 9 into two lots. This proposal would allow one more dwelling in the acreage of the current lot 9. The property is located at 95 South and 700 East and is in the R-1-11 zone.

BACKGROUND:

This request is for a plat amendment that would divide lot 9 into two lots. This proposal would allow one more dwelling in the acreage of the current lot 9, which is a 0.59-acre lot. If the petition for the plat amendment is successful, then a subdivision approval will also be required to create the new lot. The Reed Bezzant Property plat (see attached) was recorded in 1975 and consists mostly of lots that are about one-quarter of an acre in size. There were two lots in the subdivision that were larger than the others which are lots 9 and 12. Lot 12 was about two acres and that lot was split in 2007 into lots 12A and 12B. The subdivision is currently a cul-de-sac but there is the potential for a road to connect to 700 East through parcel 11 on the plat which is directly across the street from lot 9.

LAND USE SUMMARY:

- 0.59-acre parcel
- R-1-11 zoning
- Lot 9 of a 14-lot subdivision
- Proposal petitions to split one lot into two lots
    - Lot 9A – 0.32 acres
    - Lot 9B – 0.25 acres
- Frontage along 700 East
- The new lot will connect to the Midway Sanitation District sewer, Midway City's culinary water line, and Midway Irrigation Company's secondary water line

ANALYSIS:

A plat amendment of this type is discretionary. The City Council can approve or deny this request even if other lots in recorded plats have been further subdivided in Midway. The applicant purchased one lot in the subdivision that has one residential building right and even if the lot is larger than most, there was never a guarantee that the lot could be further subdivided. There are impacts on the community and on the residents of 700 East if the lot is further subdivided. Some of these impacts are traffic, services, and potentially an impact on the school district.

Another side of this discussion involves the analysis of if the proposal complies with the General Plan and the land use code requirements. As for the General Plan, the current general plan creates the vision of open space and retaining a rural atmosphere. Adding another home on a relatively larger lot does not seem to meet that vision. On the other hand, the General Plan describes quarter acre lots in the R-1-11 zone, which this proposal does comply with. Further, the land use code for the R-1-11 zone gives specific acreage, frontage, width and setback requirements that are all met with the proposal.

To staff's knowledge, the last two lots that were further subdivided occurred both in 2007. One was the aforementioned lot 12 in the Reed Bezzant Property and the other was lot 8 of the Midway Meadows subdivision. Another occurrence that was similar to but not the same was the Walker Ranch that was a 14-acre, one lot subdivision that was vacated then approved as the six lot Dutch Hills subdivision.

WATER BOARD RECOMMENDMATION:

The Water Board recommended that 1.28-acre feet are tendered to the City before the plat is recorded. The required water would meet the requirements for the culinary connection (0.8-acre feet) and for outside irrigation of the proposed lot 9B (0.48-acre feet). Lot 9A would be credited for the culinary connection and for the outside irrigated area of the 0.44-acre lot from the original water dedication to the City when the plat was recorded in 1975. A secondary water meter will be required for both lots.

PLANNING COMMISSION RECOMMENDMATION:

Motion: Commissioner Payne: I motion to deny item number 3, Steven and Kayla Francis, plat amendment of the Reed Bezzant Property, a 14-lot subdivision. The proposal to divide lot 9 into 2 two lots would allow 1 more dwelling in the subdivision and is located at 95 South and 700 East in the R-1-11 zone. I will include the following findings from staff in the motion; density and traffic in the area will most likely increase if the plat is amended and more services from the city will be required if approved that will most likely not be offset by the increased property taxes collected from the proposed lot. And, because in the past 10 years, no other lots in recorded subdivisions have been subdivided.
Seconded: Commissioner Streeter
Chairman Kohler: Any discussion on the motion?
Commissioner Payne added an additional finding that the length of the cul-de-sac currently exceeds our current maximum length of 500 feet. Commissioner Streeter seconded the amended motion.
Chairman Kohler: All in favor.
Ayes: Commissioners: Payne, Ream, Bouwhuis, Streeter
Nays: None
Motion: Denied

POSSIBLE FINDINGS:

- Density and traffic in the area will most likely increase if the plat is amended
- More services from the city will be required if approved that will most likely not be offset by the increased property taxes collected from the proposed lot
- No public street, right-of-way, or easement will be vacated or altered
- The proposed lot meets the minimum requirements for the R-1-11 zoning district
- In the past 10 years no other lots in recorded subdivisions have been subdivided
- More than 10 years ago other lots in recorded subdivisions have been subdivided in Midway

ALTERNATIVE ACTIONS:

1. Approval (conditional). This action can be taken if the City Council feels the proposal is in the best interest of the community.

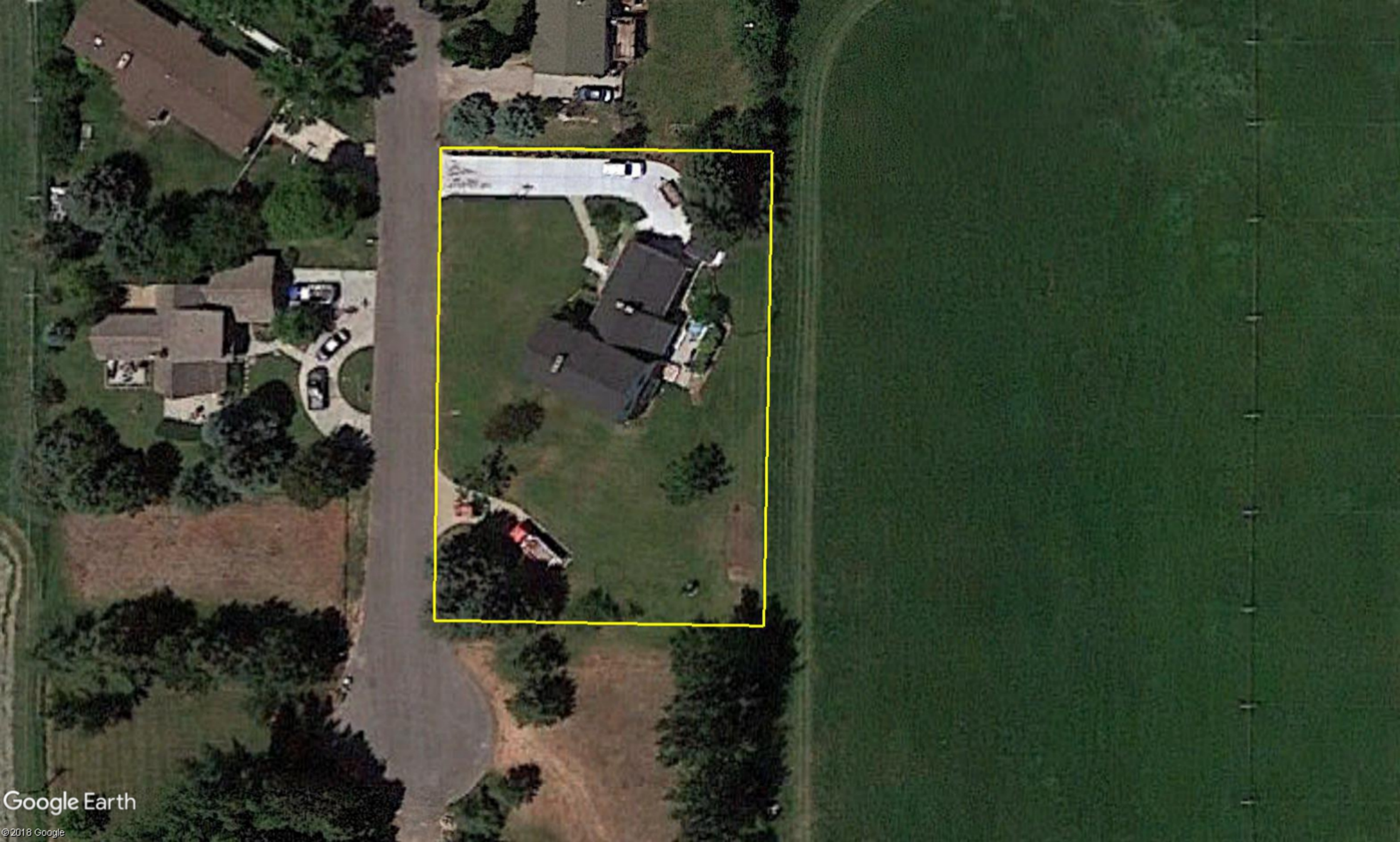
    a. Accept staff report
    b. List accepted findings
    c. Place condition(s) if needed

2. Continuance. This action can be taken if the City Council 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 in the best interest of the community.

    a. Accept staff report
    b. List accepted findings
    c. Reasons for denial


Google Earth
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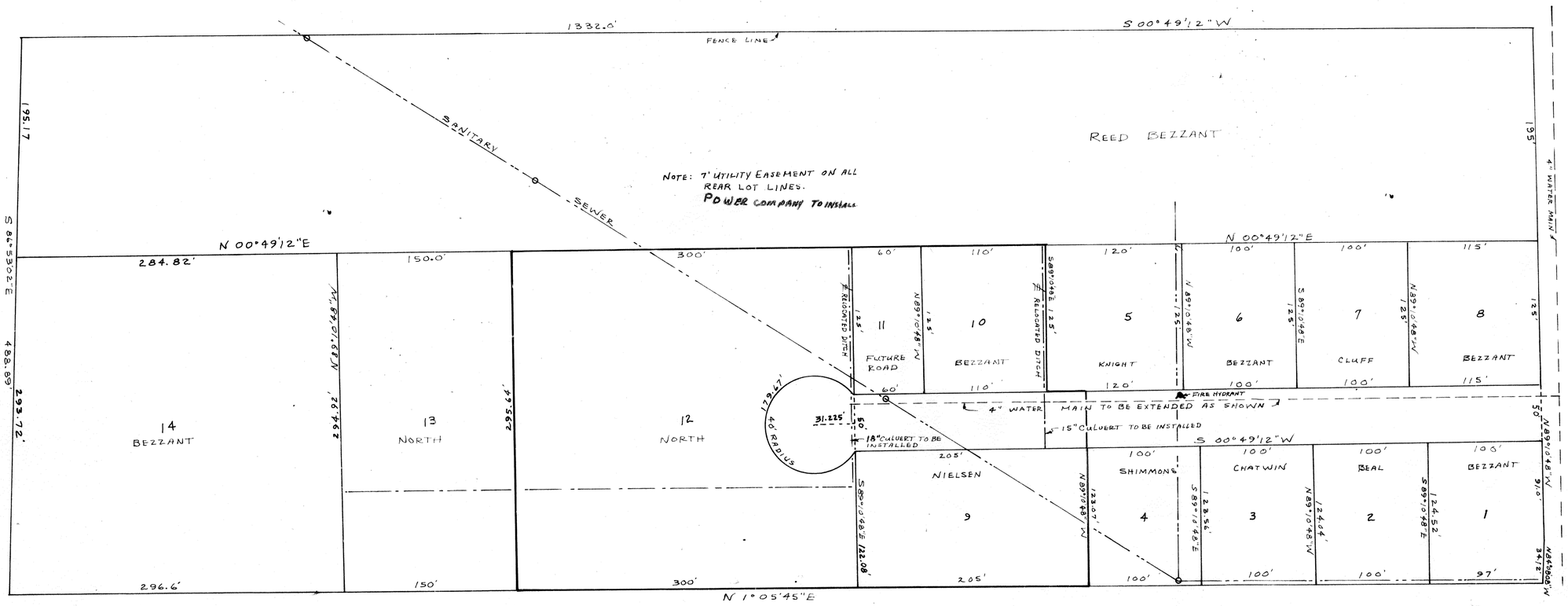
REED BEZZANT PROPERTY

MIDWAY, UTAH - MARCH 1975

R. J. ELLIS - SURVEYOR

UTAH LICENSE #2597



PARCEL #5 (REVISED)

BEGINNING AT A POINT DESCRIBED AS 4.63 CHAINS NORTH AND 18.67 CHAINS N88°10'W, AND N1°05'45"E 936.6 FEET, AND N89°10'48"W 173.0 FEET, FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, S.L.B.&M, AND RUNNING THENCE S 00°49'12"W 20.0 FEET, THENCE N89°10'48"W 125.0 FEET, THENCE N0°49'12"E 120.0 FEET, THENCE S 89°10'48"E 125.0 FEET, THENCE S 0°49'12"W 100.0 FEET, TO THE POINT OF BEGINNING.

PARCEL #9

BEGINNING AT A POINT DESCRIBED AS 4.63 CHAINS NORTH AND 18.67 CHAINS N88°10'W, AND N 1°05'45"E 746.6 FEET FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, S.L.B.&M., AND RUNNING THENCE N 1°05'45"E 205.0 FEET, THENCE N89°10'48"W 123.07 FEET, THENCE S 0°49'12"W 205.0 FEET, THENCE S 89°10'48"E 122.08 FEET TO THE POINT OF BEGINNING.

PARCEL #10

BEGINNING AT A POINT DESCRIBED AS 4.63 CHAINS NORTH AND 18.67 CHAINS N88°10'W, AND 293.72 FEET N 86°53'02"W, AND 794.82 FEET N00°49'12"E FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, S.L.B.&M, AND RUNNING THENCE N00°49'12"E 110 FEET, THENCE S89°10'48"E 125 FEET, THENCE S 00°49'12"W 110 FEET, THENCE N 89°10'48"W 125 FEET TO THE POINT OF BEGINNING.

PARCEL #11

BEGINNING AT A POINT DESCRIBED AS 4.63 CHAINS NORTH AND 18.67 CHAINS N88°10'W, AND 293.72 FEET N 86°53'02"W, AND 734.82 FEET N00°49'12"E FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, S.L.B.&M., AND RUNNING THENCE N 00°49'12"E 60.0 FEET, THENCE S89°10'48"E 125 FEET, THENCE S 00°49'12"W 60.0 FEET, THENCE N89°10'48"W 125 FEET TO THE POINT OF BEGINNING.

PARCEL #12

BEGINNING AT A POINT DESCRIBED AS 4.63 CHAINS NORTH AND 18.67 CHAINS N88°10'W, AND 434.82 FEET N00°49'12"E, AND N86°53'02"W 293.72 FEET FROM THE SOUTH EAST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, S.L.B.&M., AND RUNNING THENCE N 00°49'12"E 300 FEET, THENCE S89°10'48"E 125 FEET, THENCE ALONG THE ARC OF A 40 FOOT RADIUS CURVE (RADIUS LIES S 50°29'52"E 40 FEET) 179.67 FEET, THENCE S 89°10'48"E 122.08 FEET, THENCE S 1°05'45"W 300 FEET, THENCE N 89°10'48"W 295.64 FEET TO THE POINT OF BEGINNING.

PARCEL #13

BEGINNING AT A POINT DESCRIBED AS 4.63 CHAINS NORTH AND 18.67 CHAINS N88°10'W, AND 296.6 FEET N 1°05'45"E FROM THE SOUTH EAST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, S.L.B.&M., AND RUNNING THENCE N89°10'48"W 294.92 FEET, THENCE N00°49'12"E 150 FEET, THENCE S 89°10'48"E 295.64 FEET, THENCE S 1°05'45"W 150 FEET TO THE POINT OF BEGINNING.

PARCEL #14

BEGINNING AT A POINT DESCRIBED AS 4.63 CHAINS NORTH AND 18.67 CHAINS N88°10'W, FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, S.L.B.&M., AND RUNNING THENCE N 1°05'45"E 296.6 FEET, THENCE N89°10'48"W 294.92 FEET, THENCE S 00°49'12"W 284.82 FEET, THENCE S 86°53'02"E 293.72 FEET, TO THE POINT OF BEGINNING.

ROAD DEDICATION

BEGINNING AT A POINT DESCRIBED AS 4.63 CHAINS NORTH AND 18.67 CHAINS N88°10'W AND N 1°05'45"E 951.6 FEET AND N89°10'48"W 123.07 FEET AND S 00°49'12"W 15.0 FEET FROM THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, S.L.B.&M., AND RUNNING THENCE N89°10'48"W 50 FEET, THENCE S00°49'12"W 190 FEET, THENCE ALONG THE ARC OF A 40 FOOT RADIUS CURVE (RADIUS LIES S 50°29'52"E 40 FEET) 179.67 FEET, THENCE N00°49'12"E 190 FEET TO THE POINT OF BEGINNING. CONTAINS 0.327 ACRES.

CERTIFICATE:

I, ROBERT J. ELLIS, DO HEREBY CERTIFY THAT I HOLD UTAH LAND SURVEY LICENSE #2597, AND THAT I HAVE MADE A SURVEY OF FENCES BOUNDING THE PROPERTY PLATTED ABOVE, AND THAT THE DIMENSIONS SHOWN ARE TRUE AND CORRECT.

Robert J. Ellis 298-7889

2476 WEST 4700 SOUTH, S.L.C., UTAH.

ENTRY NO. 104362 DATE June 9 1975 TIME 4:25 P FEE $15.20
RECORDED FOR Reed Bezzant BOOK 99 PAGE 377-87
RECORDER Marlene Dunkley

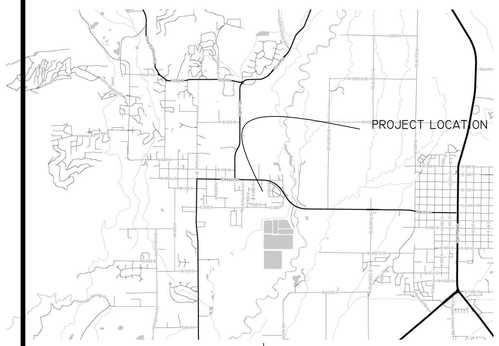
APPROVED THIS 5th DAY OF May AD 19 75
CHAIRMAN OF MIDWAY SANITION DISTRICT

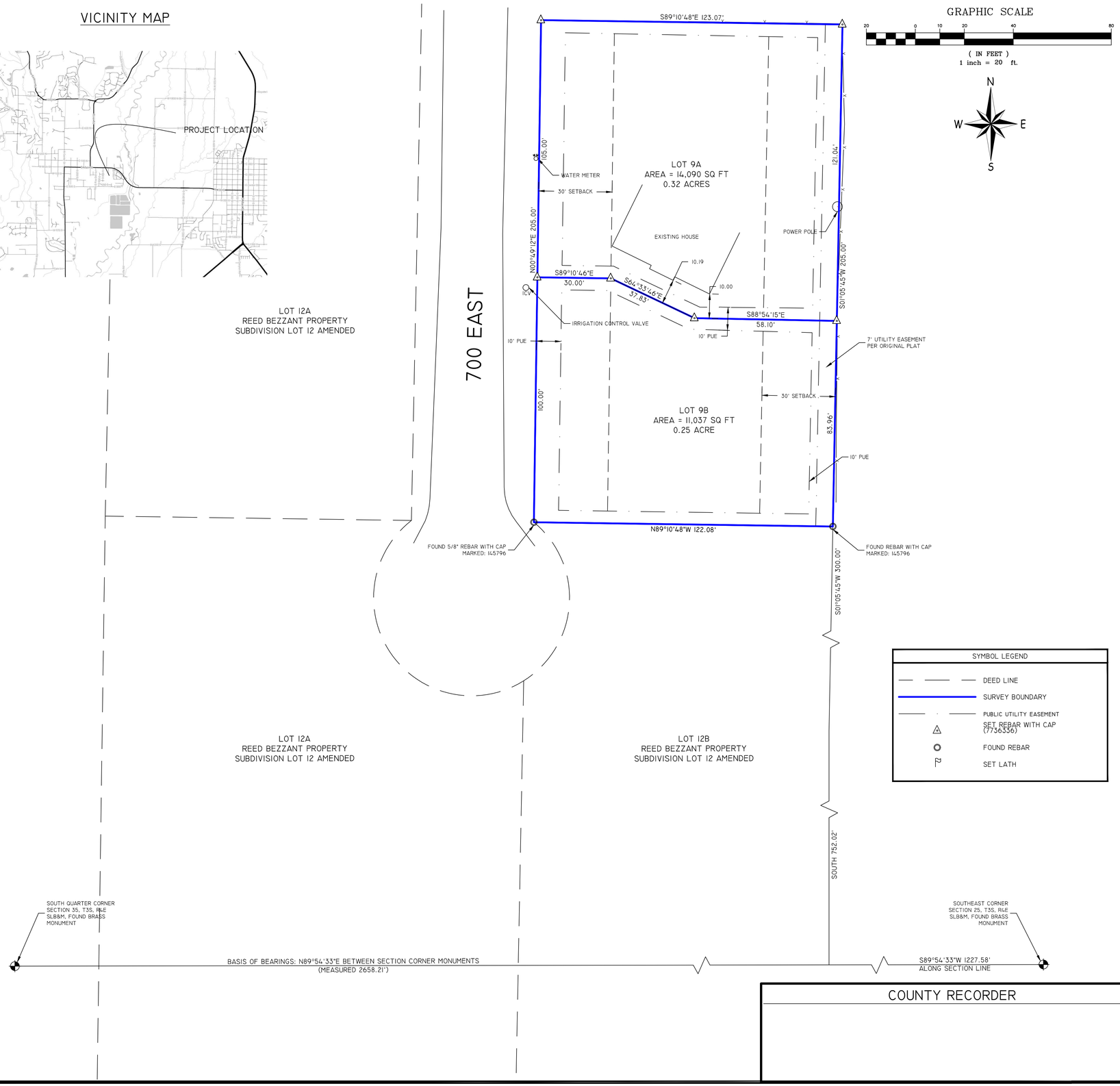
APPROVED THIS 16 DAY OF May AD 19 75
MAYOR MIDWAY CITY

PLANNING COMMISSION APPROVED THIS 9th DAY OF April A.D. 19 75
CHAIRMAN Midway City PLANNING COMM.

BEZZANT PROPERTY

VICINITY MAP





SYMBOL LEGEND

- DEED LINE
- SURVEY BOUNDARY
- PUBLIC UTILITY EASEMENT
- SET REBAR WITH CAP (7736336)
- FOUND REBAR
- SET LATH

BOUNDARY DESCRIPTION

ALL OF LOT 9 OF THE REED BEZZANT SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, ON FILE AND OF RECORD IN THE OFFICE OF THE WASATCH COUNTY RECORDER.

AREA = 0.57 ACRE

BASIS OF BEARINGS: N89°54'33"E MEASURED BETWEEN FOUND WASATCH COUNTY MONUMENTS AT THE SOUTH ONE QUARTER CORNER AND THE SOUTHEAST CORNER OF SECTION 35, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN.

SURVEYOR'S CERTIFICATE

IN ACCORDANCE WITH SECTION 10-9a-603 OF THE UTAH CODE, I, CHAD A ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 7736336 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.

REGISTERED LAND SURVEYOR
7736336
CHAD A. ANDERSON
08/06/18
STATE OF UTAH

CHAD ANDERSON
PROFESSIONAL LAND SURVEYOR

DATE

SURVEYOR'S SEAL

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT I(WE) THE UNDERSIGNED OWNER(S) OF THE TRACT(S) OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS AND EASEMENTS TO BE HEREAFTER KNOWN AS REED BEZZANT PROPERTY SUBDIVISION LOT 9-AMENDED, DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS_____ DAY OF_____ , 20__.

FEE OWNER (OR AGENT) | PRINTED NAME | DATE

FEE OWNER (OR AGENT) | PRINTED NAME | DATE

ACKNOWLEDGEMENT

STATE OF _____ } S.S.
COUNTY OF _____

ON THIS _____ DAY OF_____ , 20__, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF_____, IN SAID STATE OF_____, THE SIGNER OF THE ABOVE OWNER'S DEDICATION, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID CORPORATION FOR THE PURPOSES MENTIONED AND THAT SAID CORPORATION EXECUTED THE SAME.

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 | 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 MIDWAY CITY PLANNING COMMISSION

APPROVED _____ APPROVED_____
PLANNING DIRECTOR | CHAIRMAN, PLANNING COMMISSION

COUNTY SURVEYOR

APPROVED AS TO FORM THIS_____ DAY OF _____, A.D. 20_____
BY THE MIDWAY CITY PLANNING COMMISSION
ROS # _____ COUNTY SURVEYOR _____

COUNTY RECORDER

SURVEYOR'S SEAL	NOTARY PUBLIC SEAL	CITY ENGINEER SEAL	CLERK-RECORDER SEAL

ELEMENT
LAND SURVEYING
WWW.ELEMENTSURVEYING.COM 2296 SOUTH 270 EAST, HEBER CITY, UT 84032
(801) 592-5975

MIDWAY CITY
WASATCH COUNTY
LOCATED IN THE SOUTHEAST 1/4 OF SECTION 35, TOWNSHIP 3S, RANGE 4E, SLB&M

PROJECT: REED BEZZANT PROPERTY SUBDIVISION LOT 9 - AMENDED

DESCRIPTION: A SUBDIVISION OF LOT 9

PROJECT NO. 18-07-182

SHEET 1 OF 1