



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: July 20, 2016

NAME OF PROJECT: Valais PUD Phase 9

NAME OF APPLICANT: Midway Village LLC

AGENDA ITEM: Plat Amendment of Valais Phase 9 Plat "N"

LOCATION: Located in Valais at North Montchapel Lane

ZONING DESIGNATION: RA-1-43 zone

ITEM: 6

Berg Engineering, agent for Watts Enterprises, is requesting a Plat Amendment of Phase 9 of Plat N of the Valais Planned Unit Development. The amendment will modify the shape of the building pad of pad 404 but it will remain the same size. The proposal is located at 1455 North Montchapel Lane and is in the RA-1-43 zone.

BACKGROUND:

Mike Tagliabue, agent for Midway Village LLC, is proposing a plat amendment to Valais Phase 9 plat which is located on North Montchapel Lane. The proposed amendment would modify the shape of the building pad of pad 404 but it will remain the same size. Basically area that is now common area and owned by the Home Owners Association (HOA) would be traded for an equal amount of area that is currently part of pad 404. The newly configured pad will still comply with the 25' setback measured from the back of curb. The pad area will be swapped from the back of the pad and added to the front of the pad and is a minimal amount of square feet at 226' that will be exchanged.

One other item to note is the open space for Valais PUD will not be impacted with this petition. The development is required 50% open space and the subtraction of this common will not impact the open space the development currently has. This area of common space is not considered open space because it is located in area that is not 100' in width so it is common area but not open space.

A plat amendment is a legislative item and City Council is not obligated to allow any changes even if they feel that the applicant is complying with the requirements of the Code. This decision is entirely at the discretion of the City Council as long as the two findings required by State Code, as listed below, are met.

ANALYSIS:

In order for the Land Use Authority to approve a plat amendment Utah State Code dictates that

(a) there is good cause for the vacation, alteration, or amendment; and

(b) no public street, right-of-way, or easement has been vacated or altered.

Staff has been unable to identify "good cause" for the proposed amendment. As for (b), no public street, right-of-way, or easement will be altered if this amendment is approved.

PROPOSED FINDINGS:

- The current and proposed unit location comply with the required setbacks
- Common area will become private area if approved and private area will become common area
- No public street, right-of-way, or easement will be vacated or altered

ALTERNATIVE ACTIONS:

1. Recommendation of (Conditional) Approval. This action can be taken if the Planning Commission feels there is good cause to approve the proposal.
 - a. Accept staff report
 - b. Reasons for approval (findings)
 - c. Place condition(s) if needed

2. Continuance. This action can be taken if the Planning Commission 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. Recommendation of Denial. This action can be taken if the Planning Commission feels that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial

