



PLANNING COMMISSION MEETING STAFF REPORT

DATE OF MEETING: February 9, 2021

NAME OF PROJECT: Maisons de Saint-Prex Subdivision

NAME OF APPLICANT: Mike Johnston

AGENDA ITEM: Plat Amendment of Lots 11, 12, 13, 14, & 15

LOCATION: Southwestern lots of Maisons de Saint-Prex Subdivision

ZONING DESIGNATION: R-1-22 zone

ITEM: 5

Mike Johnston, agent for Eldon Haake, is requesting a Plat Amendment of lots 11,12,13, 14 and 15 of the Maisons de Saint-Prex Subdivision. The proposal would eliminate the common area between lots 11, 12, 13, and 14 and would transfer the property to the four adjoining lots. Lots 12 and 13 will be combined into one lot. An easement to access remaining common area will be created across lots 14 and 15. The property is in the R-1-22 zone.

BACKGROUND:

Mike Johnston of Summit Engineering is proposing a plat amendment to Maisons de Saint-Prex subdivision. The property is accessed from Swiss Alpine Road and includes changes to the five lots in the southwest corner of the subdivision, which is in the R-1-22 zone. The applicant is proposing a number of changes to the recorded plat that include eliminating some common area and adding that area to the surrounding lots, combining lots 12 and 13, and creating an access easement across lots 14 and 15. The following is a description of each of the proposed changes:

Elimination of some common area

There is a 25' strip of common area that runs north to south between lots 11, 12, 13, and 14 which connects to a 15' wide strip of common area that runs east to west along the majority of the subdivision's southern boundary. The developer included the two strips of common area for different reasons. The 15' wide east-west strip was created because the original owner of the property, who still owns the 8.8-acre parcel to the south, required the developer of Saint-Prex to install landscaping in the development as part of the purchase agreement. The 25' wide north-south strip was created to access the 15' wide strip. The common area strips were not required by the City as open space and they do not meet code criteria to be open space. The code required 15% open space for Saint-Prex and the open space for the subdivision will not change if the proposed amendment is approved. The subdivision will continue to have 1.83 acres of open space which is 15.91%, though the common area for the subdivision will be reduced by 0.16 acres from 2.16 acre to 2 acres. The applicant has stated that the north-south strip that is proposed for removal has not been maintained and adding the area to the surrounding lots will help assure the area is better maintained. The HOA will have a signature block on the plat to approve the removal of the common area.

Creating an access easement to the common area

The proposal will create an access easement across lots 14 and 15 along the southern boundary of the two lots. The access easement will be 10' wide and will be granted to the Homeowners' Association to access the remaining common area along the southern border of the subdivision. The owners of lots 14 and 15 will have a signature block on the plat to approve the creation of the easement.

Combine lots 12 and 13

The owner of lots 12 and 13 would like to combine the two lots to create a larger yard for the existing dwelling on lot 12. Other petitions to combine lots have all been approved by the City Council and there are some positive impacts because of the proposal. Traffic could potentially be reduced by about ten trips per day, according to engineering traffic standards. It will also create more open area because only one dwelling will be allowed instead of two that are currently allowed. Overall density in the subdivision will also be reduced if the proposal is approved. The applicant will benefit from reduced property taxes if the lots are combined into one lot.

Increased size of the lots

The proposed amendment will increase the acreage of three lots in the subdivision. Combining lots 12 and 13 and adding the common area between the two lots will create a 0.96-acre lot. Additionally, lot 11 will increase from 0.45 acres to 0.48 acres and lot 14 will increase from 0.57 acres to 0.6 acres.

A plat amendment is a legislative item and City Council is not obligated to allow any changes even if they feel that the applicant met the requirements of the Code.

ANALYSIS:

For the Land Use Authority to approve a plat amendment Utah State Code dictates that the Land Use Authority consider the petition in a public meeting. The City Council should consider if the proposal is in the best interest of the community and if the petition matches the vision of Midway as described in the General Plan. The General Plan describes, among many things, the preservation of open space and the rural atmosphere of Midway. This proposal seems to help reach those two goals by reducing the number of dwellings that will be built in the subdivision. Lowering the density potentially reduces the impact of development on the community by reducing services required by a developed lot, traffic (on average about ten trips per day) and potential impact on the school district.

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 complies with 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 the petition seeks to:”

- (i) join two or more of the petitioner fee owner's contiguous lots;

- (iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision;

No public street, right-of-way, easement will be vacated or altered. A public utility easement that runs along the lot lines of lots 12 and 13 will be removed. The public utility easements along some of the lot lines of lots 11 and 14 will be relocated.

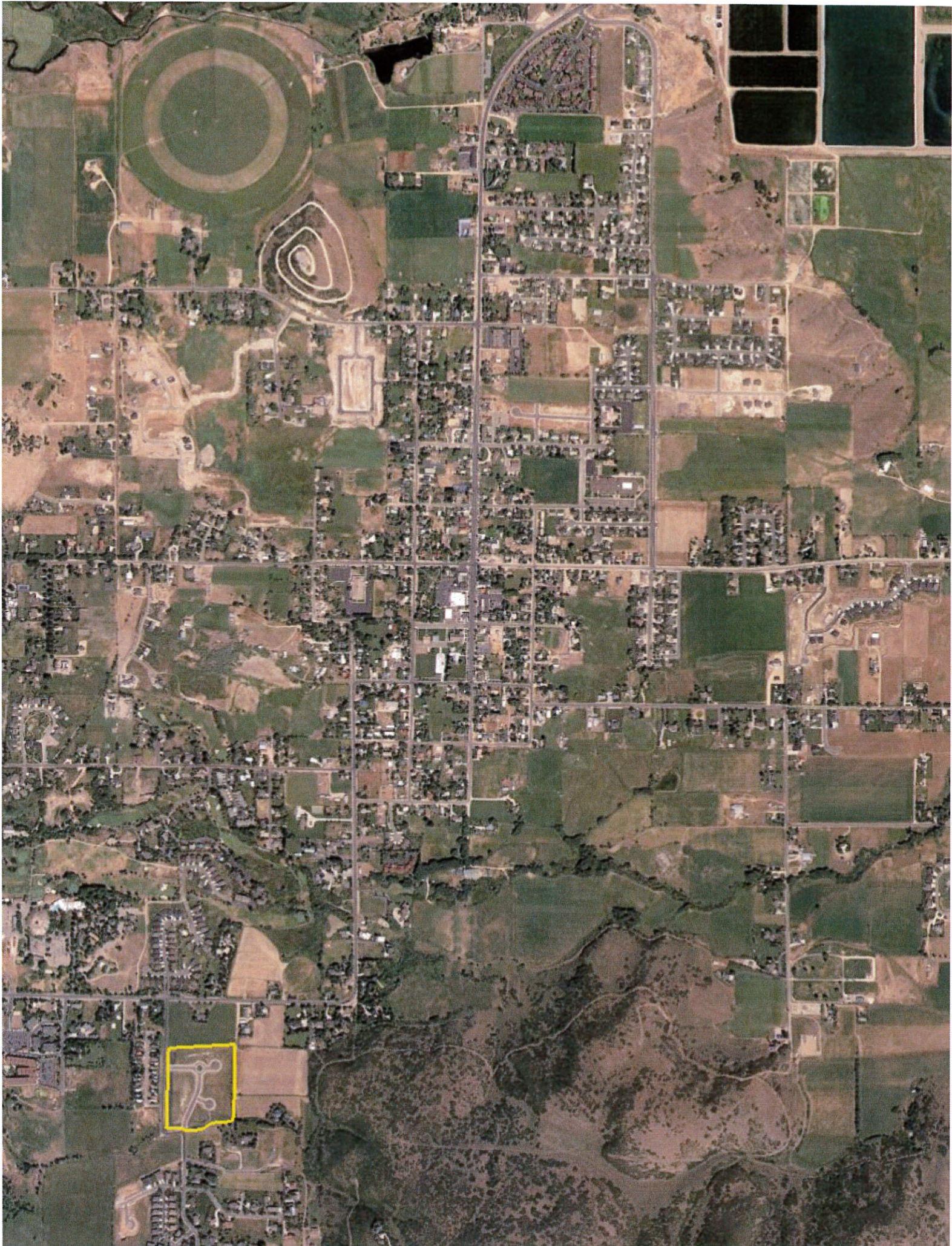
PROPOSED FINDINGS:

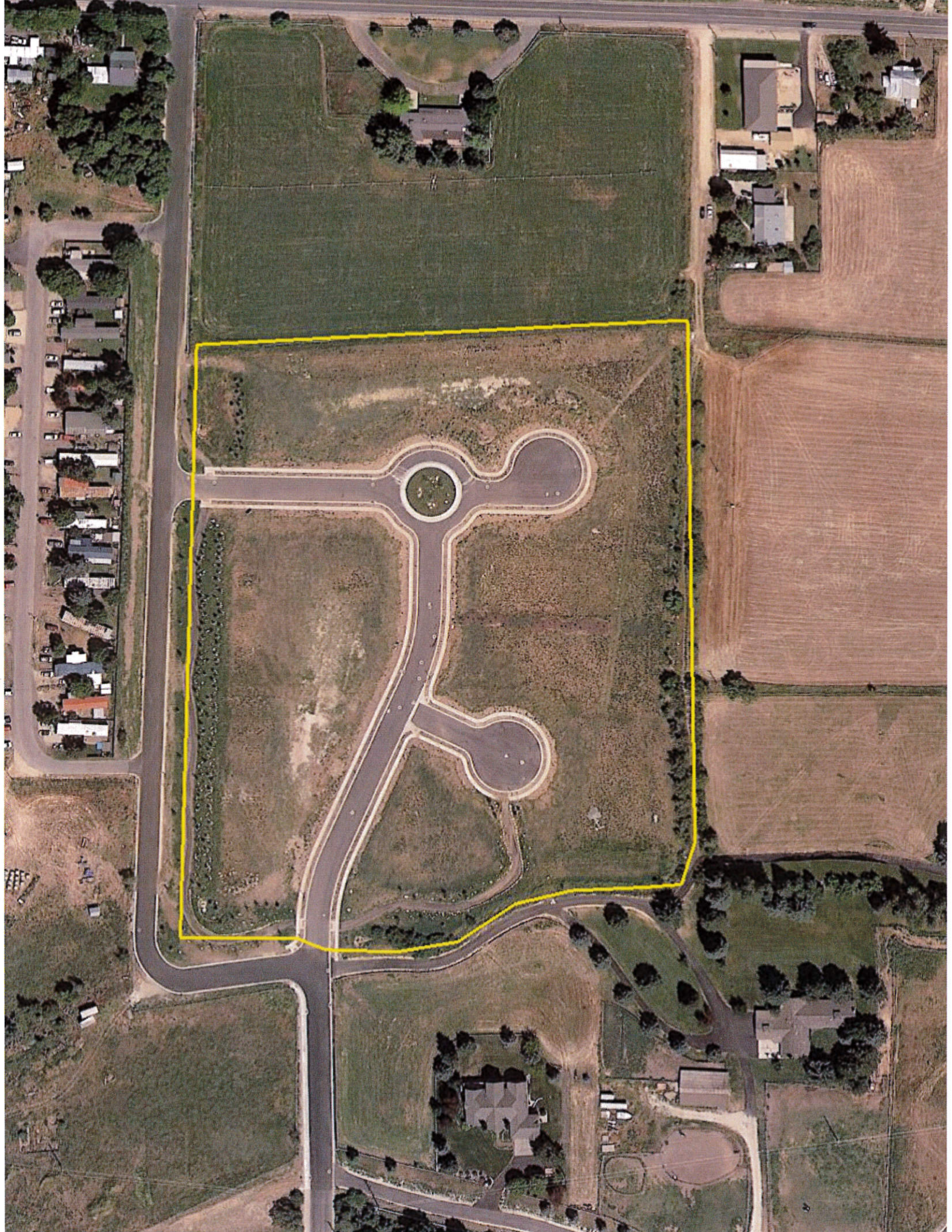
- Potential trips per day generated from the two lots will be reduced.
- Density in the subdivision will be reduced.
- The area will feel more open because of the reduction of one lot.
- No public street, right-of-way, or easement will be vacated or altered.
- The lot owners of the five lots and HOA will be required to sign the plat for it to be recorded.

- The amount of open space in the subdivision will not be reduced and the subdivision will still comply with the code requirement of 15% open space.

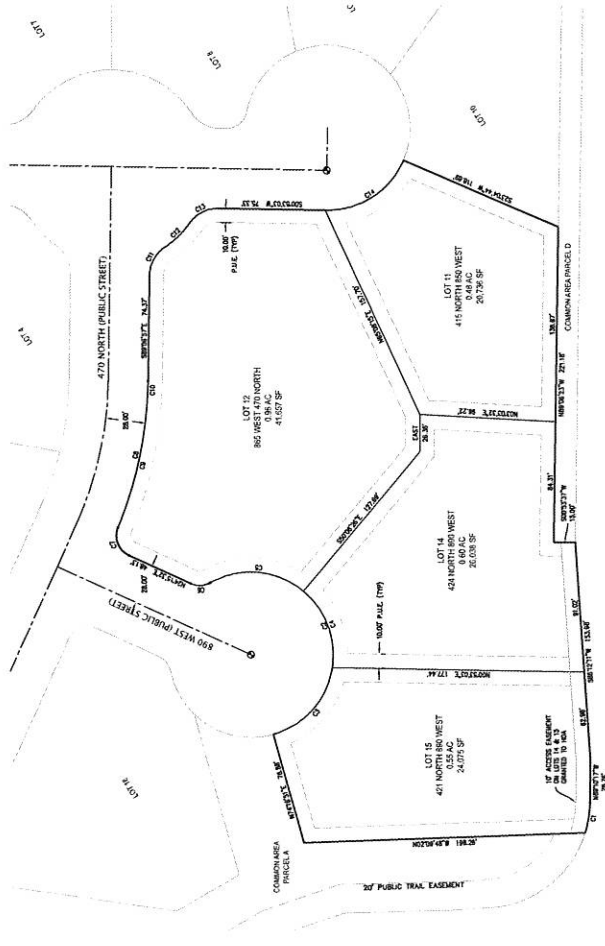
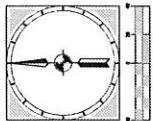
ALTERNATIVE ACTIONS:

1. Recommendation of Approval (conditional). This action can be taken if the Planning commission finds 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 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. Recommendation of Denial. This action can be taken if the Planning Commission finds that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial





MAISONS DE SAINT-PREX LOTS 11- 15 AMENDED



- PLAT NOTES:**
- THIS PLAT AMENDMENT HAS BEEN APPROVED FOR THE PURPOSE OF REMOVING A PORTION OF COMMON AREA PARCEL AS ADDING TO LOTS 11-14, AND TO SHOW A 10' ACCESS EASEMENT ACROSS LOTS 14 & 15 IN FAVOR OF THE HOME-OWNERS ASSOCIATION. LOTS 12 & 13 WERE ALSO COMBINED INTO ONE LOT.
 - ALL PRIOR PLAT NOTES, COVENANTS, AND RESTRICTIONS OF RECORD SHALL REMAIN IN FULL FORCE AND EFFECT UNLESS SPECIFICALLY AMENDED OR RECORDED AS ENTRY 458141 IN WASHINGTON COUNTY OFFICIAL RECORDS.
 - REFER TO THE ORIGINAL RECORDED PLAT FOR MAISONS DE SAINT-PREX FOR SECTION TIES, BASIS OF BEARINGS, AND OTHER LOCATION AND SURVEY INFORMATION.

SECTION	TOWNSHIP	RANGE	PLAT	DATE	RECORD
1	14N	3E	11	01/13/2021	458141
1	14N	3E	12	01/13/2021	458141
1	14N	3E	13	01/13/2021	458141
1	14N	3E	14	01/13/2021	458141
1	14N	3E	15	01/13/2021	458141
1	14N	3E	16	01/13/2021	458141
1	14N	3E	17	01/13/2021	458141
1	14N	3E	18	01/13/2021	458141
1	14N	3E	19	01/13/2021	458141
1	14N	3E	20	01/13/2021	458141
1	14N	3E	21	01/13/2021	458141
1	14N	3E	22	01/13/2021	458141
1	14N	3E	23	01/13/2021	458141
1	14N	3E	24	01/13/2021	458141
1	14N	3E	25	01/13/2021	458141
1	14N	3E	26	01/13/2021	458141
1	14N	3E	27	01/13/2021	458141
1	14N	3E	28	01/13/2021	458141
1	14N	3E	29	01/13/2021	458141
1	14N	3E	30	01/13/2021	458141
1	14N	3E	31	01/13/2021	458141
1	14N	3E	32	01/13/2021	458141
1	14N	3E	33	01/13/2021	458141
1	14N	3E	34	01/13/2021	458141
1	14N	3E	35	01/13/2021	458141
1	14N	3E	36	01/13/2021	458141
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1	14N	3E	39	01/13/2021	458141
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1	14N	3E	41	01/13/2021	458141
1	14N	3E	42	01/13/2021	458141
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1	14N	3E	46	01/13/2021	458141
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1	14N	3E	49	01/13/2021	458141
1	14N	3E	50	01/13/2021	458141
1	14N	3E	51	01/13/2021	458141
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1	14N	3E	56	01/13/2021	458141
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1	14N	3E	58	01/13/2021	458141
1	14N	3E	59	01/13/2021	458141
1	14N	3E	60	01/13/2021	458141
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1	14N	3E	62	01/13/2021	458141
1	14N	3E	63	01/13/2021	458141
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1	14N	3E	65	01/13/2021	458141
1	14N	3E	66	01/13/2021	458141
1	14N	3E	67	01/13/2021	458141
1	14N	3E	68	01/13/2021	458141
1	14N	3E	69	01/13/2021	458141
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1	14N	3E	97	01/13/2021	458141
1	14N	3E	98	01/13/2021	458141
1	14N	3E	99	01/13/2021	458141
1	14N	3E	100	01/13/2021	458141

PREPARED FOR
ELDON HAAKE
PROJECT
PLAT AMENDMENT
SHEET
1 OF 1
DATE
01/13/2021

Summit Engineering Group
STRUCTURAL • CIVIL • LAND SURVEYING
1000 WEST 1000 SOUTH, SUITE 100
SALT LAKE CITY, UT 84119
P: 801-488-8888 F: 801-488-8889

MAISONS DE SAINT-PREX
LOTS 11-15 AMENDED
LOCATED IN THE NE 1/4 OF SECTION 33 & THE NW 1/4 OF SECTION 34, TOWNSHIP 3 SOUTH, RANGE 4 EAST, SUBRANG
MIDWAY CITY, WASHINGTON COUNTY, UTAH

OWNER'S DEDICATION AND CONSENT TO RECORD
I, THE UNDERSIGNED OWNER OF COMMON AREA PARCEL 12 IN WASHINGTON COUNTY, STATE OF UTAH, DO HEREBY DEDICATE AND CONSENT TO RECORD THIS PLAT AND ACKNOWLEDGE TO BE FULLY AND VOLUNTARILY BOUND BY THE TERMS AND CONDITIONS SET FORTH HEREIN AND HEREBY DO CONSENT TO RECORD THIS PLAT.

STATE OF _____
COUNTY OF _____
NOTARY PUBLIC _____
DATE _____

ACKNOWLEDGMENT
I, THE UNDERSIGNED OWNER OF LOT 12 IN WASHINGTON COUNTY, STATE OF UTAH, DO HEREBY DEDICATE AND CONSENT TO RECORD THIS PLAT AND ACKNOWLEDGE TO BE FULLY AND VOLUNTARILY BOUND BY THE TERMS AND CONDITIONS SET FORTH HEREIN AND HEREBY DO CONSENT TO RECORD THIS PLAT.

STATE OF _____
COUNTY OF _____
NOTARY PUBLIC _____
DATE _____

OWNER'S DEDICATION AND CONSENT TO RECORD
I, THE UNDERSIGNED OWNER OF COMMON AREA PARCEL 13 IN WASHINGTON COUNTY, STATE OF UTAH, DO HEREBY DEDICATE AND CONSENT TO RECORD THIS PLAT AND ACKNOWLEDGE TO BE FULLY AND VOLUNTARILY BOUND BY THE TERMS AND CONDITIONS SET FORTH HEREIN AND HEREBY DO CONSENT TO RECORD THIS PLAT.

STATE OF _____
COUNTY OF _____
NOTARY PUBLIC _____
DATE _____

ACKNOWLEDGMENT
I, THE UNDERSIGNED OWNER OF LOT 13 IN WASHINGTON COUNTY, STATE OF UTAH, DO HEREBY DEDICATE AND CONSENT TO RECORD THIS PLAT AND ACKNOWLEDGE TO BE FULLY AND VOLUNTARILY BOUND BY THE TERMS AND CONDITIONS SET FORTH HEREIN AND HEREBY DO CONSENT TO RECORD THIS PLAT.

STATE OF _____
COUNTY OF _____
NOTARY PUBLIC _____
DATE _____

OWNER'S DEDICATION AND CONSENT TO RECORD
I, THE UNDERSIGNED OWNER OF COMMON AREA PARCEL 14 IN WASHINGTON COUNTY, STATE OF UTAH, DO HEREBY DEDICATE AND CONSENT TO RECORD THIS PLAT AND ACKNOWLEDGE TO BE FULLY AND VOLUNTARILY BOUND BY THE TERMS AND CONDITIONS SET FORTH HEREIN AND HEREBY DO CONSENT TO RECORD THIS PLAT.

STATE OF _____
COUNTY OF _____
NOTARY PUBLIC _____
DATE _____

ACKNOWLEDGMENT
I, THE UNDERSIGNED OWNER OF LOT 14 IN WASHINGTON COUNTY, STATE OF UTAH, DO HEREBY DEDICATE AND CONSENT TO RECORD THIS PLAT AND ACKNOWLEDGE TO BE FULLY AND VOLUNTARILY BOUND BY THE TERMS AND CONDITIONS SET FORTH HEREIN AND HEREBY DO CONSENT TO RECORD THIS PLAT.

SURVEYOR'S CERTIFICATE
I, KIM M. BALLS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD CERTIFICATE NO. 10000 IN THE STATE OF UTAH. I HAVE MADE A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT AND RECORDED BELOW. THE CORNER THAT I HAVE MADE A SURVEY OF IS SHOWN ON THE TRACT OF LAND SHOWN ON THIS PLAT AND RECORDED BELOW.

Kim M. Balls
PROFESSIONAL LAND SURVEYOR
01/13/2021
DATE

BOUNDARY DESCRIPTION
LOTS 11, 12, 13, 14 & 15 OF WASHINGTON COUNTY, STATE OF UTAH, ACCORDING TO THE ORIGINAL PLAT THEREON ON FILE AND OF RECORD IN THE OFFICE OF RECORDER, WASHINGTON COUNTY, UTAH,
CONTAINS 2.68 ACRES

BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS PLAT IS FOR THE ORIGINAL RECORDED SUBDIVISION PLAT FOR WASHINGTON COUNTY, STATE OF UTAH, ACCORDING TO THE ORIGINAL RECORDS OF WASHINGTON COUNTY, UTAH.

ACCEPTANCE BY MIDWAY CITY
THE CITY COUNCIL OF MIDWAY, WASHINGTON COUNTY, STATE OF UTAH, HAS REVIEWED THIS PLAT AND HAS APPROVED THIS PLAT FOR RECORDATION IN THE OFFICE OF RECORDER, WASHINGTON COUNTY, UTAH, ON THIS _____ DAY OF _____, 2021.

PLANNING APPROVAL
APPROVED THIS DAY OF _____ BY THE PLANNING DIRECTOR OF MIDWAY, UTAH.
PLANNING DIRECTOR _____
REPRESENTATIVE _____ DATE _____

MIDWAY IRRIGATION COMPANY
REPRESENTATIVE _____ DATE _____

MIDWAY SANITATION DISTRICT
REPRESENTATIVE _____ DATE _____

COUNTY SURVEYOR'S CERTIFICATE
APPROVED AS TO FORM ON _____ DAY OF _____, 2021.
COUNTY SURVEYOR _____
REPRESENTATIVE _____ DATE _____

WASATCH COUNTY RECORDER
ENTRY # _____ DATE _____ TIME _____
REC'D _____ BOOK _____ PAGE _____ FOR _____
BY _____ WASATCH COUNTY RECORDER PEGGY FOSTER BLAKER

January 19, 2021

To Michael Henke
Midway City Planning Director

RE: Calculations for changes to Common Space at Maisons de Saint Prex subdivision.

Michael,

We have submitted a plat amendment that proposed removing 0.166 acres of Common Area Parcel D and dividing it between the four adjoining lots (11, 12, 13, and 14.) Below are the calculations regarding this removal of the common space:

1. Total subdivision plat area = 11.55 acres
2. Total Common Area as platted = 2.16 acres = 18.7% of total plat
3. Area to be removed from Common Area D = 0.166 acres
4. Remaining Total Common Area (after plat amendment) = 1.994 acres = 17.3% of total plat

I believe the required Open Space for the subdivision when it was approved was 15%, so the removal of the 0.166-ac strip of ground between lots 11 – 14 will not violate the min. 15% open space requirement.

Please let me know if you have any questions!

Sincerely,


Mike Johnston
Summit Engineering Group, Inc.