

CITY COUNCIL MEETING STAFF REPORT

DATE OF MEETING: April 16, 2024

NAME OF PROJECT: Saddle Creek Subdivision Phase 2

NAME OF APPLICANT: Matt Sherry (owner is Matthew Sherry Trust)

AGENDA ITEM: Plat Amendment of Lots 12 and 13

LOCATION: 193 and 205 West Saddle View Lane

ZONING DESIGNATION: R-1-15 zone

ITEM: 8

Matt Sherry, on behalf of the Matthew Sherry Trust, is requesting a Plat Amendment of the Saddle Creek Subdivision Phase 2. The proposal is to combine lots 12 and 13. The properties are located at 193 (Lot 12) and 205 (Lot 13) West Saddle View Lane in the R-1-15 zone.

BACKGROUND:

Matt Sherry is proposing a plat amendment to the Saddle Creek Subdivision Phase 2. The parcels are located at 193 and 205 West Saddle View Lane in the R-1-15 zone. The applicant is proposing to combine lots 12 and 13 into one larger building lot. Lot 12 is 0.50 of an acre and Lot 13 is 0.58 of an acre. If the lot combination is approved, the size of the lot will be 1.08 acres is size.

In his application, the applicant states: "We purchased the lot in order to put a small barn, apple orchard, large garden and large open grass area. We want to create more open space. We want to combine the lots for this purpose."

The approval of the plat amendment will reduce the traffic in the area by potentially ten trips per day. It will create more open space because only one dwelling will be allowed instead of two. Overall density in the subdivision will reduce if the proposal is approved. The applicant will benefit from reduced property taxes if the lots are combined into one lot.

A plat amendment is a legislative item and the 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 other 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 reduces the impact of development on the community by reducing potential 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 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;

No public street, right-of-way, easement will be vacated or altered. A public utility easement that runs along the shared lot line of lots 12 and 13 will be removed.

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 duration of a plat amendment approval shall be for one year from the date of approval of the amendment by the City Council. Should the amended plat not be recorded by the County Recorder within the one-year period of time, the plat amendment's

approval shall be voided, and approval must be re-obtained unless, upon request by the applicant and on a showing of extenuating circumstances, the City Council extends the time limit for recording, with or without conditions. Such conditions may include, but are not limited to, provisions requiring that: (a) each extension will be for a one-year period only, after which time an annual review must be requested by the applicant and presented before the City Council; and/or (b) no more than three one-year extensions will be allowed. The granting or denying of any extension, with or without conditions, is within the sole discretion of the City Council, and an applicant has no right to receive such an extension.

ALTERNATIVE ACTIONS:

- 1. <u>Approval (conditional)</u>. This action can be taken if the City Council 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. <u>Continuance</u>. 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. <u>Denial</u>. This action can be taken if the City Council finds that the request does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial











