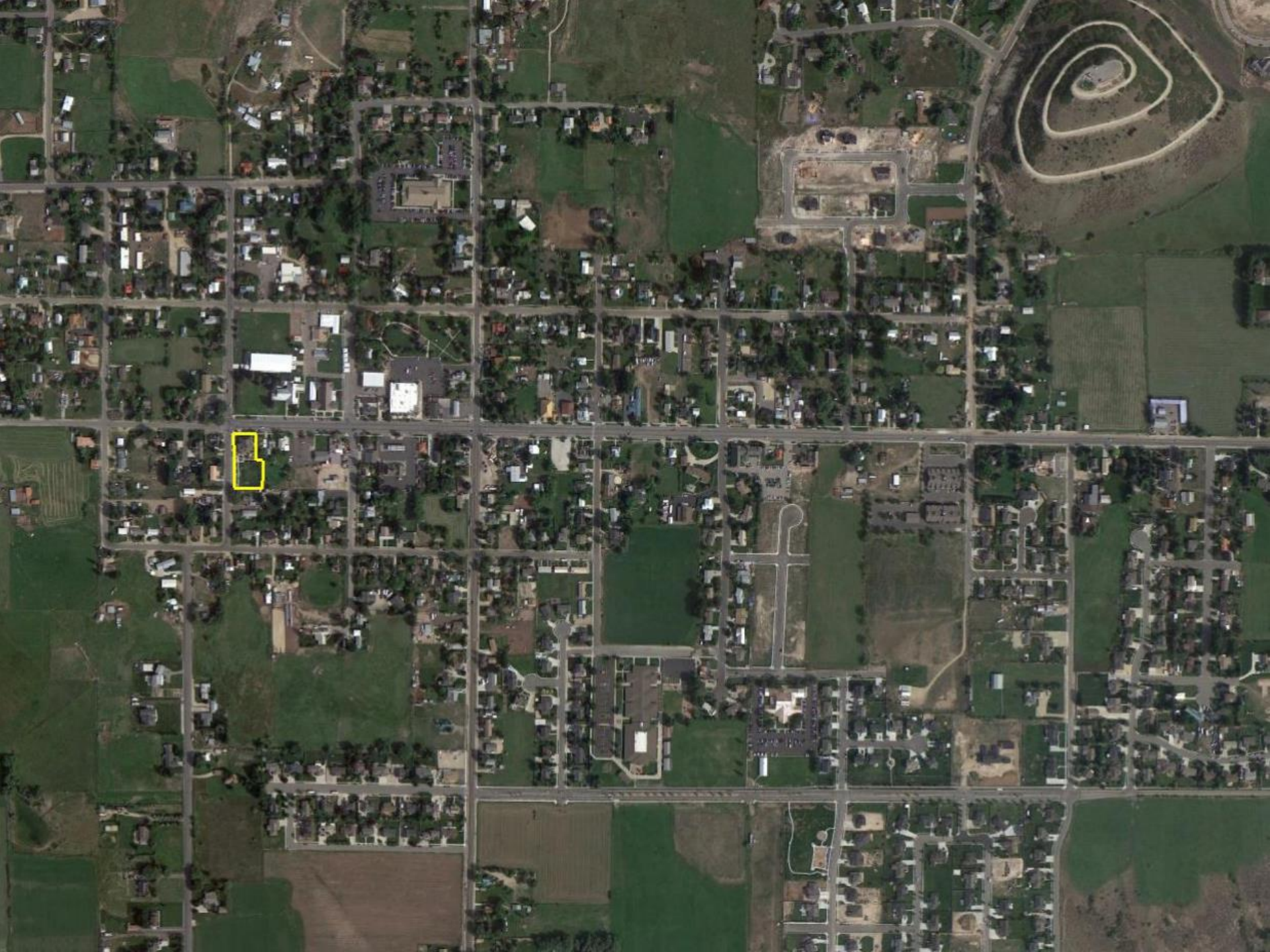
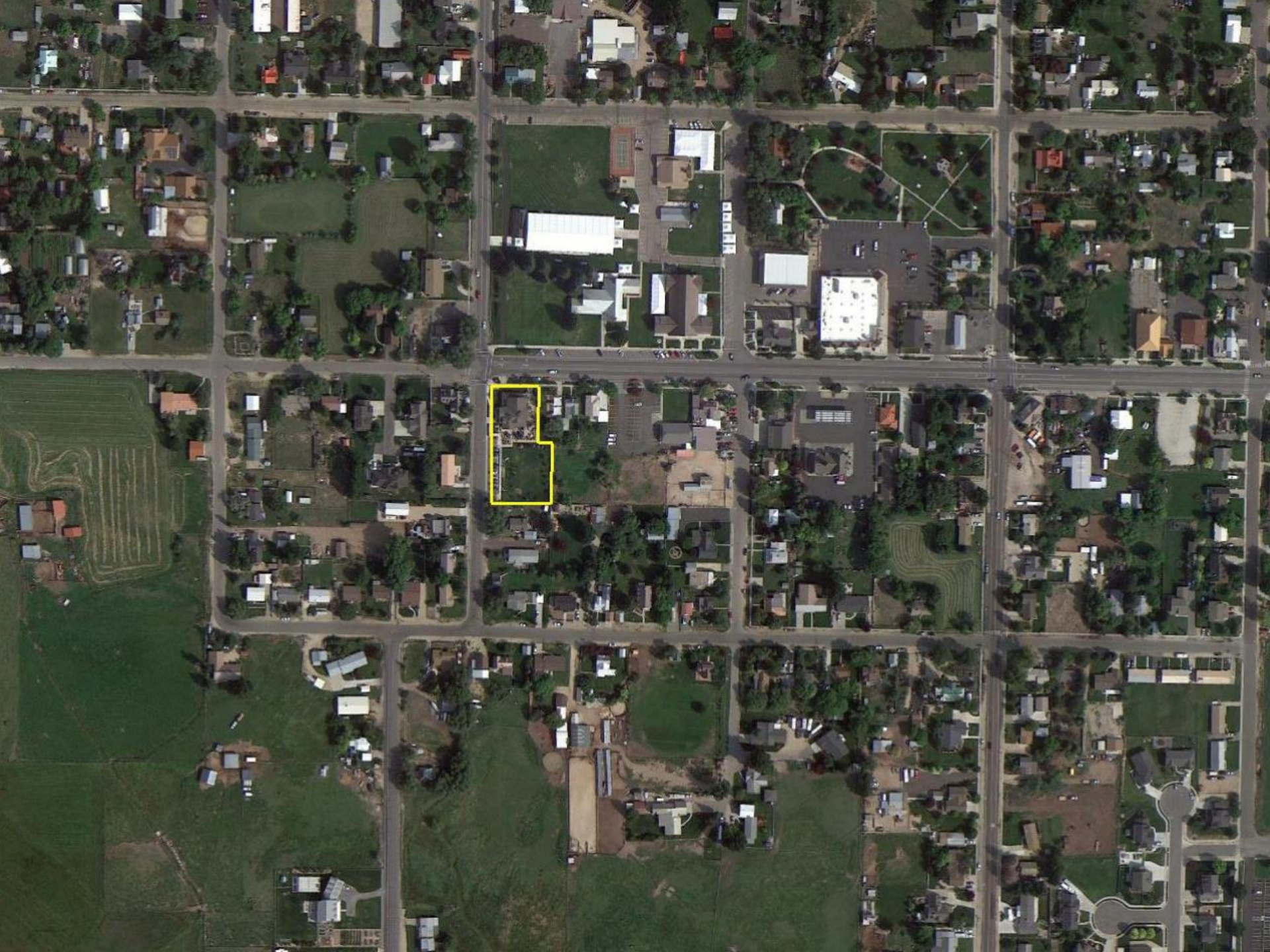


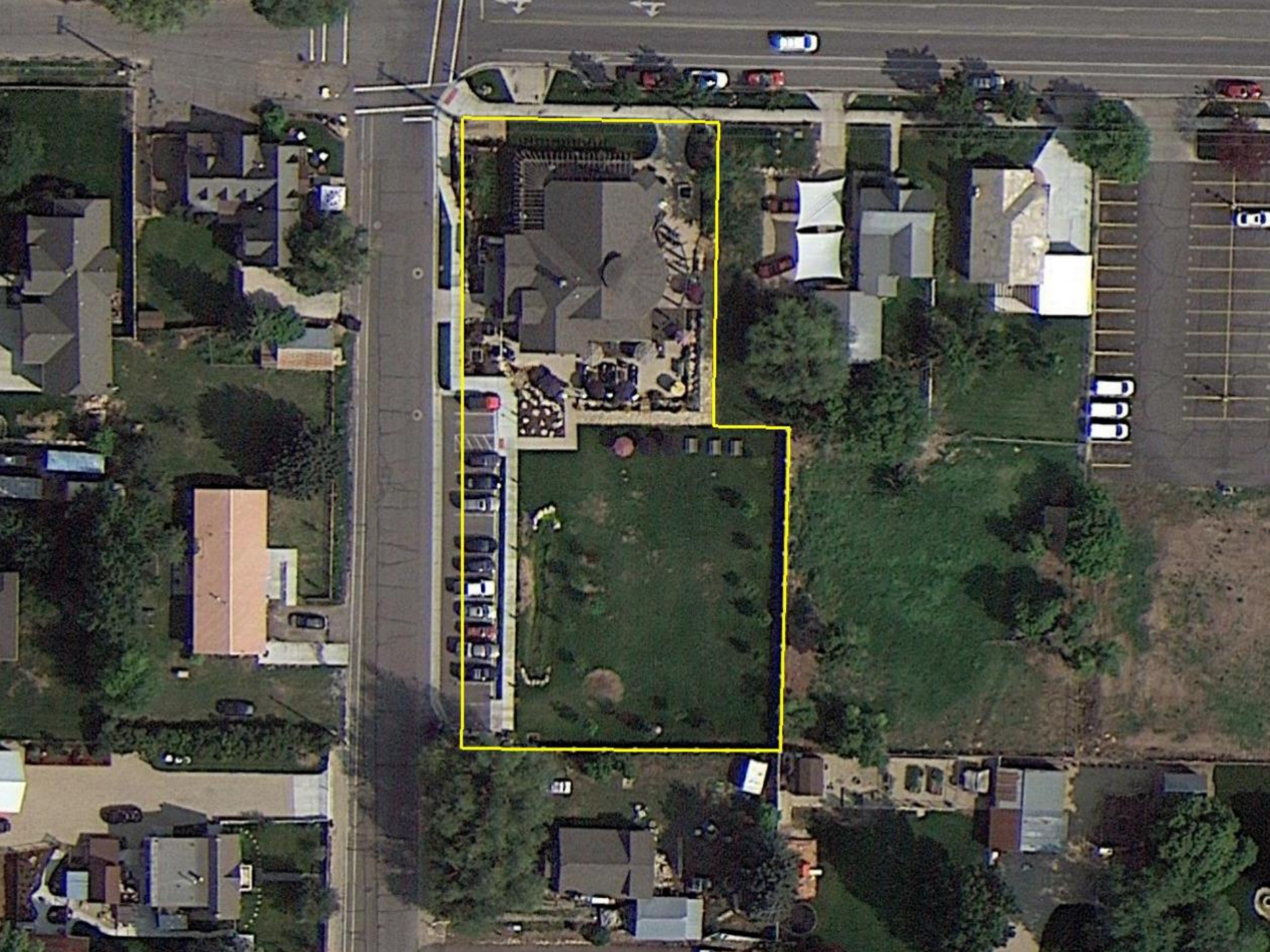
KEVIN MIR SUBDIVISION

PLAT AMENDMENT









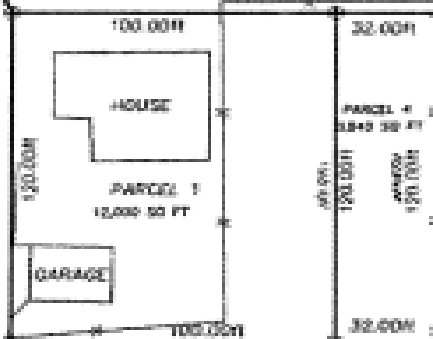
MAIN STREET

CORNER OF BLOCK 5
OF BUILDING LOTS

EAST 132.00ft

FOUND "X" IN CONCRETE

LS #3555



Parcel 4
12,000 sq ft

Parcel 3
12,000 sq ft

NORTH 260.00ft

WEST 132.00ft

LS #4783

LS #178000



SOUTH 260.00ft

200 WEST STREET

BLOCK 5

LS #3555

NORTHWEST CORNER OF BLOCK 5
WAY CITY SURVEY OF BUILDING LOTS

FOUND "X" IN CONCRETE-

WAY
OF 190.00

14 LOT
PARCEL

WAY
OF 100.00

coming the

EST STREET

EAST 132.00ft

100.00ft

32.00ft

120.00ft

HOUSE

PARCEL 1
12,000 SQ FT

GARAGE

NORTH 260.00ft

100.00ft

WEST 132.00ft

PARCEL 4
5,840 SQ FT

ERVIN AND MARY
EDNA NEBELSICK
BK 245 PG 281

GORDON HOYT
BK 120 PG

North
120.00ft

North
120.00ft

32.00ft

LS #4783

PARCEL 2
9,240 SQ FT

GORDON HOYT
BK 120 PG 181

70.00ft

31.50

WEST
132.00ft

70.00ft

SOUTH 260.00ft

70.00ft

45.50

PARCEL 3
9,240 SQ FT

70.00ft

DEED LINE

WEST
132.00ft

BLO

KEVIN MIR SUBDIVISION PLAT AMENDMENT

- Owner – Emma Worsley, as agent for Hoffvest Midway, LLC
- Applying for Plat Amendment to combine lots 1, 2, and 3. Property located at 195 West Main Street in the C-2 zone
- This is a legislative action. City Council has broad discretion to approve or disapprove.

BACKGROUND

- Harvest Midway is located at the site of former Heirloom Common, originally The Corner Restaurant. Harvest Midway will be the 3rd Harvest location (2 in Park City),
- The current application is silent as to the reasons for the proposed amendment but based upon multiple conversations between Planning Department staff and the applicant, the reasons include:
 1. Tax considerations. Applicant has advised that combining the parcels will result in one instead of three tax bills and tax advantages to the applicant.
 2. Combining the parcels will result in common parking attributable to the combined lot, rather than parking attributable to separate lots.
 3. Combining the lots will be advantageous for further development or expansion.

UCA 10-9A-609

10-9a-609(1) Land use authority approval of vacation or amendment of plat provides:

(1) The land use authority may approve the vacation or amendment of a plat by signing an amended plat showing the vacation or amendment if the land use authority finds that:

(a) There is good cause for the vacation or amendment; and

(b) No public street or municipal utility easement has been vacated or amended.

UCA 17-27A-808 SUBDIVISION AMENDMENTS

17-27a-808 (1)(b), Subdivision Amendments, provides:

(b) Upon filing a written petition to request a subdivision amendment under Subsection (1)(a), the owner shall prepare and, if approved by the land use authority, record a plat in accordance with Section 17-27a-603 that:

- (i) depicts only the portion of the subdivision that is proposed to be amended;*
- (ii) includes a plat name distinguishing the amended plat from the original plat;*
- (iii) describes the differences between the amended plat and the original plat; and*
- (iv) includes references to the original plat.*

MIDWAY CITY CODE 16.13.420

16.13.420 Plat Amendment Recording Requirements: 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.

POSSIBLE FINDINGS

The comments in italics represent Planning Staff's comments pertaining to compliance or lack of compliance with the findings the City Council must make in considering this request. Utah Code Annotated 10-9a-609 requires specifically the City Council to find that:

1. There is good cause for the vacation or amendment; *the applicant has cited reasons including tax benefits, parking considerations, and ease and clarity with respect to future development as reasons for the requested amendment to combine the three existing lots into 1 lot. The applicant represents that the plat boundaries will not change. The applicant further represents that the zoning and use will not change. The proposed adjustment does not change zoning or violate zoning requirements.*
2. No public street or municipal utility easement has been vacated or amended; *the proposed plat amendment does not seek to vacate or amend any public street or municipal utility easement but rather combine three existing lots into one.*

PARKING CONSIDERATIONS

- Note: Parking within the road right-of-way is allowed at this location, and was allowed under the prior ownership, pursuant to **Midway City Code, Section 16.13.290 Off-Street Parking and Loading**, which allows such parking where available and where the owner seeks to preserve green space in an undeveloped state.
- However, if the applicant seeks to develop such open area in the future, the applicant may lose this parking and have to provide parking onsite pursuant to Midway City Code Section 16.13.390 F (2)(b)(7), which provides:

If the required open area is developed, then the parking that was allowed because of the open area must be removed and will not be “grandfathered.” Required parking from the original development and for the development on the open area must meet all the off-street parking requirements.

POSSIBLE FINDINGS

1. The requested plat amendment to combine three existing lots into one is a legislative action over which the City Council has broad discretion.
2. The proposed plat amendment does not seek to change the zoning or use of the property.
3. The proposed plat amendment does not seek to vacate or amend any public street or any municipal utility easement.
4. The reasons for the plat amendment cited by the applicant, including tax benefits, parking considerations, and ease and clarity of future development, are found to constitute good cause for the relief requested.

PROPOSED CONDITIONS

1. The applicant shall submit an amended plat signed by each owner of record and meeting the requirements for filing with the Wasatch County Recorder to the City for review, approval and execution. The applicant shall file the approved amended plat in accordance with state and local laws, which shall vacate, supersede, and replace any contrary provisions in any previously recorded plat.

PROPOSED CONDITIONS (CONT.)

2. The duration of 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.

PLANNING COMMISSION RECOMMENDATION NOT REQUIRED

- Midway City Code **Section 16.13.430**, Plat Amendment Planning Commission Recommendation, provides:

Proposed plat amendments which meet any of the following conditions shall be reviewed and will receive a recommendation from the Planning Commission before being considered by the City Council:

- 1. Density is being increased.*
- 2. The street layout is being revised.*
- 3. Open space configuration is being changed*

POSSIBLE ACTIONS

1. Approval (conditional). This action can be taken if the City Council feels that conditions placed on the approval can resolve any outstanding issues.
 - 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 does not meet the intent of the ordinance.
 - a. Accept staff report
 - b. List accepted findings
 - c. Reasons for denial