

Ordinance No. 2017-10

**AN ORDINANCE APPROVING THE COTTAGES – AMENDING LOTS C AND D
LOCATED AT 7545 & 7585 STERLING DRIVE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 7545 & 7585 Sterling Drive has petitioned the City Council for approval of the plat amendment; and

WHEREAS, on February 16, 2017, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on February 22, 2017 proper legal notice was posted in the Park Record; and

WHEREAS, the Planning Commission held a public hearing on March 8, 2017, to receive input on plat amendment; and

WHEREAS, the Planning Commission, March 8, 2017, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 30, 2017, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve The Cottages – Amending Lots C and D Plat Amendment.

NOW, THEREFORE BE IT ORDAINED by the City Council of Park City, Utah as follows:

SECTION 1. APPROVAL. The Cottages – Amending Lots C and D plat as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 7545 & 7585 Sterling Drive in the Residential Development (RD) District.
2. The subject property consists of Lot C and Lot D of The Cottages – A re-subdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision approved by the City Council and recorded at Summit County on October 10, 1986.
3. Both lots are subject to the Deer Valley MPD.
4. The proposal complies with the allowed uses in the RD District.
5. Lots C and D are owned by the Cases.
6. Lot D is currently occupied by the Cases' existing residence and Lot C is essentially vacant. Approximately half of the garage and a parking pad associated with the house on Lot D are currently located on Lot C.

7. It is the desire of the owners to move the lot line so that all structures are entirely on Lot D to meet the side yard setback of 12 feet for the RD zone.
8. The subject property consists of Lots C and D of The Cottages – A re-subdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision.
9. Currently Lot D contains an existing single family home and double car garage that crosses the common property line, with parking pads on either side of a zero front yard setback.
10. Both structures were constructed in 1996.
11. In 1983 from Silver Lake Knoll Cottages Phase 1 was approved as a Planned Unit Development and contained 7 lots total. The garages and driveways were identified as common area and the buildable pad was placed on the plat with zero front yard setbacks to the road. This plat was vacated by Ordinance 86-10 in 1986.
12. In 1985, the Silver Lake Knoll Cottages Phase II was approved as a Planned Unit Development and contained 10 lots total. The garages and driveways were identified as common area and the buildable pad was placed on the plat with zero front yard setbacks to the road. This plat was vacated by Ordinance 86-4 in 1986.
13. The Cottages – A re-subdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision was approved in 1986. It is an 11 single family lots as a combination of the Silver Lake Knoll Cottages Phase I and Phase II.
14. A Planning Department's setback recommendation to allow zero setbacks from the front lot line to the garages was approved by the City Council on April 24, 1986.
15. The plat Silver Lake Knoll Cottages Phase II calls out "Existing Building Pads" on only lots A, B, D, and F. These building pads reflect 4 of the 7 private lot building pads from the Phase 1 P.U.D. but not what currently exists as built. No minutes were found that reflect the reasons behind placing the "Existing Building Pads" on the newest plat. After additional research, it was found the pads were intended to indicate where buildings were currently located but that setbacks still apply. No further resources were found as to why the building pads were placed on only 4 lots.
16. The "Existing Building Pad" from The Cottages – A re-subdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision are not necessary, the lot would be sufficient to follow the normal zone setbacks regulations.
17. In 2006, an easement was granted from Lot C to Lot D to "use, maintain, repair, and replace the garage structures and landscaping". This easement will become moot after this plat amendment is recorded.
18. On January 26, 2017, the Planning Department received a complete Plat Amendment application for the Cottages – Amending Lots C & D.
19. The plat amendment will effectively locate the existing garage fully onto Lot D with 12 feet of side yard setbacks to the property line meeting the minimum requirement for the RD zone.
20. This plat amendment eliminates the need for the grant of easement, eliminates the legal non-complying structure in terms of side yard setbacks and leaves Lot C with no existing structures on the lot.

21. The existing garage will maintain the 5 foot setback from the front property line and will be located entirely upon Lot D.
22. Lot D will go from approx. 23,721 sq. ft. to 27,635 sq. ft. of lot area.
23. Lot C will go from approx. 35,807 sq. ft. to 31,895 sq. ft. of lot area.
24. The property was posted and notice was mailed to property owners within 300 feet on February 15, 2017.
25. Legal notice was also published in the Park Record according to requirements of the Land Management Code on February 18, 2017.
26. On March 8, 2017, the Planning Commission reviewed the requested application and held a public hearing. There were no comments made by the public and the Commission forwarded a positive recommendation to the City Council; the vote was unanimous (5-0).
27. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding condominium record of survey plats.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. Approval of the Plat Amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
4. The plat is consistent with the provisions of the Deer Valley MPD.

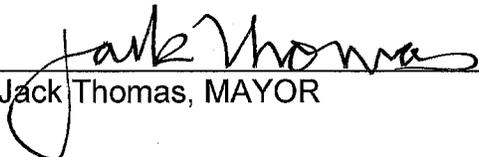
Conditions of Approval:

1. The City Attorney and City Engineer will review and approve the final form and content of the plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat at Summit County within one year from the date of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. All conditions of approval of The Cottages – A re-subdivision of Silver Lake Knoll No. 2 Parcel E & F Subdivision shall continue to apply.
4. The easement dated June 15, 2006 on Lot C shall be removed.

SECTION 2. EFFECTIVE DATE. This Ordinance shall take effect upon publication.

PASSED AND ADOPTED this 30th day of March, 2017.

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

ATTEST:

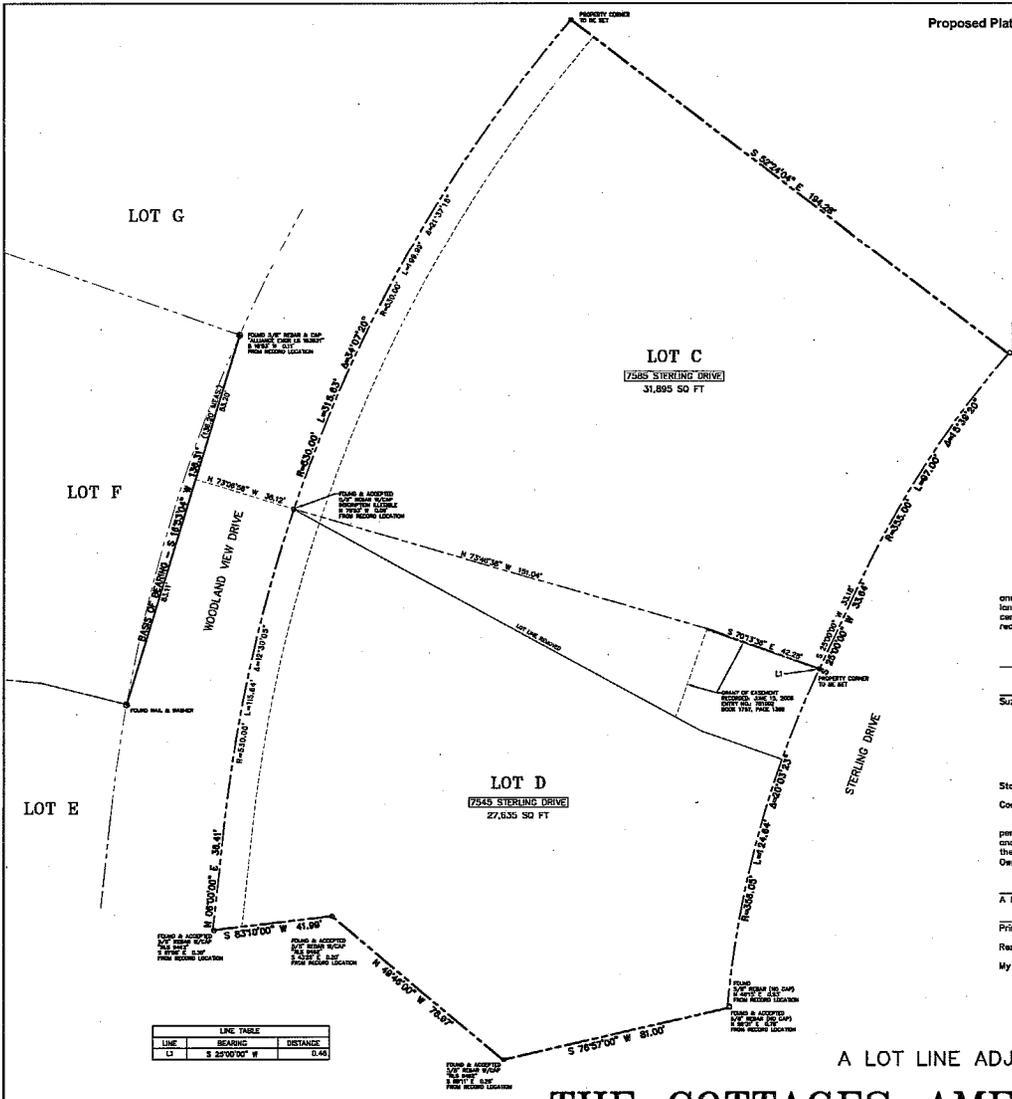
Michelle Kellogg
Michelle Kellogg, City Recorder



APPROVED AS TO FORM:

Mark Harrington
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



Proposed Plat



SURVEYOR'S CERTIFICATE
 I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4638726, as prescribed by the laws of the State of Utah, and that by authority of the owners, I have prepared this plat map of THE COTTAGES-AMENDING LOTS C & D, and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

BOUNDARY DESCRIPTION

PARCEL 1:
 LOT C, THE COTTAGES, a subdivision, according to the official plat thereof, recorded October 10, 1986 as Entry No. 259166 of the official records in the office of the Summit County Recorder.
 Easement 1
 Together with a non-exclusive easement to use the roadway presently known as "Sterling Drive" to gain ingress and egress to and from the above-described real property.
 Easement 2
 Subject to and together with an easement recorded June 15, 2006 as Entry Number 781002 in Book 1797, Page 1368 of the official records in the office of the Summit County Recorder.

PARCEL 2:
 All of Lot "D", THE COTTAGES, a subdivision, according to the official plat thereof on file and of record in the office of the Summit County Recorder, State of Utah.
 Easement 1
 Together with a non-exclusive easement to use the roadway presently known as "Sterling Drive" to gain ingress and egress to and from the above-described real property.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Suzanne P. Case, as to an undivided one-half interest in Parcel 1, the undersigned owner of the herein described tract of land, to be known hereafter as THE COTTAGES-AMENDING LOTS C & D, does hereby certify that she has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.
 In witness whereof, the undersigned set her hand this _____ day of _____, 2017.

Suzanne P. Case

ACKNOWLEDGMENT

State of _____
 County of _____
 On this _____ day of _____, 2017, Suzanne P. Case personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Suzanne P. Case acknowledged to me that she is the owner of the herein described tract of land, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.
 A Notary Public commissioned in _____
 Printed Name _____
 Residing in _____
 My commission expires: _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that Robert A. Case, a married man, as to an undivided one-half interest in Parcel 2, the undersigned owner of the herein described tract of land, to be known hereafter as THE COTTAGES-AMENDING LOTS C & D, does hereby certify that he has caused this Plat to be prepared, and does hereby consent to the recordation of this Plat.
 In witness whereof, the undersigned set his hand this _____ day of _____, 2017.

Robert A. Case

ACKNOWLEDGMENT

State of _____
 County of _____
 On this _____ day of _____, 2017, Robert A. Case personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Robert A. Case acknowledged to me that he is the owner of the herein described tract of land, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.
 A Notary Public commissioned in _____
 Printed Name _____
 Residing in _____
 My commission expires: _____

A LOT LINE ADJUSTMENT PLAT

THE COTTAGES-AMENDING LOTS C & D

LOCATED IN THE SOUTHWEST 1/4 OF SECTION 22
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

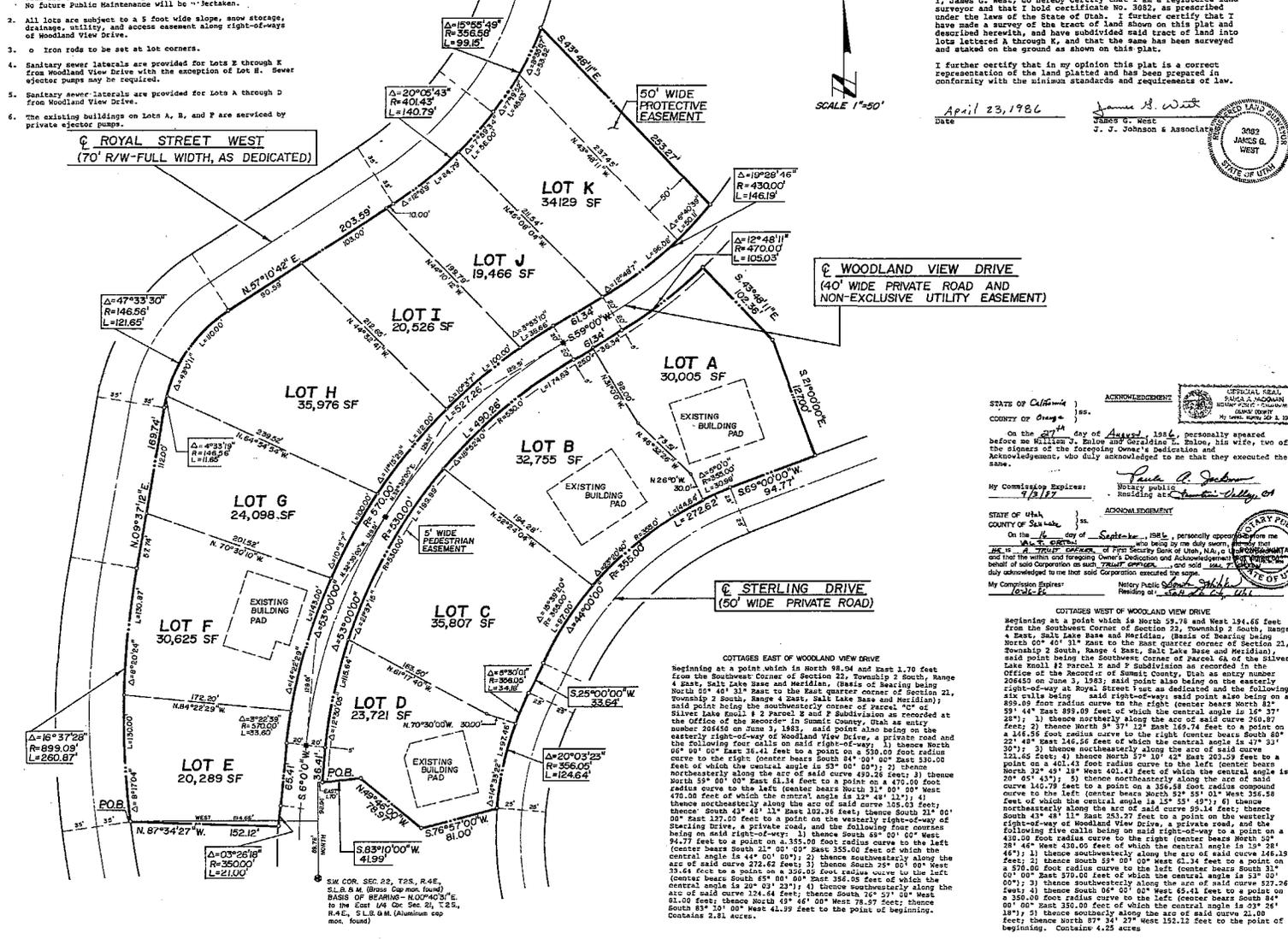


SHEET 1 OF 1

<p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 122 Main Street, P.O. Box 2000, Park City, Utah 84302-2000</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2017 BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2017 BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2017 BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2017 BY _____ PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 BY _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2017 BY _____ PARK CITY RECORDER</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____</p>
	<p>UTAH JOB NO. 8-9-16 FILE: X:\SilverLakeVillage\dwg\svr\plat2016\080916.dwg</p>						

- NOTES:
- Woodland View Drive is a private drive recorded on Silver Lake Knoll No. 2 Subdivision, Entry No. 20275. Woodland View Drive is maintained by Woodland View Drive Association. No future public maintenance will be provided.
 - All lots are subject to a 5 foot wide along, snow storage, drainage, utility, and access easement along right-of-ways of Woodland View Drive.
 - Iron rods to be set at lot corners.
 - Sanitary sewer laterals are provided for Lots K through F from Woodland View Drive with the exception of Lot H. Sewer ejector pumps may be required.
 - Sanitary sewer laterals are provided for Lots A through D from Woodland View Drive.
 - The existing buildings on Lots A, B, and F are serviced by private ejector pumps.

Exhibit B - The Cottages - A re-subdivision of Silver Lake Knoll No. 2 Parcel E & F



SURVEYOR'S CERTIFICATION

I, James G. West, do hereby certify that I am a registered land surveyor and that I hold certificate No. 3085, as prescribed under the Law of the State of Utah. I further certify that I have made a survey of the tract of land shown on this plan and described hereunder and said tract of land is divided into lots lettered A through K, and that the same have been surveyed and staked on the ground as shown on this plan.

I further certify that in my opinion this plan is a correct representation of the land plotted and has been prepared in conformity with the minimum standards and requirements of law.

Date: April 23, 1986

James G. West
J. J. Johnson & Associates

OWNER'S DEDICATION AND CONSENT TO RECORD

Know all by these presents that the undersigned owners of this described tract of land and shown hereon, having caused the same to be subdivided into lots to hereafter be known as The Cottages, do hereby dedicate for perpetual use of the public the easements as shown on this plan, EXCEPT for the 50 foot wide protective easement, and do warrant, defend and save Park City Municipal Corporation and Hydeville Basin Sewer Improvement District harmless against all claims and other encumbrances on these easements.

William F. Enlow
William F. Enlow
President

James G. West
James G. West
President

John E. Cruller
John E. Cruller
President

Royal Street Corporation
By: *James G. West*
President

Dear Valley Resort Company
By: *John E. Cruller*
President

First Security Bank of Utah, N.A. Trustee
By: *James G. West*
Vice President

WOODLAND VIEW DRIVE
(40' WIDE PRIVATE ROAD AND NON-EXCLUSIVE UTILITY EASEMENT)

STERLING DRIVE
(60' WIDE PRIVATE ROAD)

ACKNOWLEDGEMENT

On this 23rd day of April, 1986, personally appeared before me William F. Enlow and Gerald L. Enlow, his wife, two of the signers of the foregoing Owner's Dedication and Acknowledgement, who duly acknowledged to me that they executed the same.

My Commission Expires: 7/18/87

STATE OF UTAH)
COUNTY OF SUMMIT)

ACKNOWLEDGEMENT

On this 23rd day of April, 1986, personally appeared before me John E. Cruller, who being by me duly sworn, did say that he is the President of Royal Street Corporation, a Utah Corporation, and that the within and foregoing Owner's Dedication and Acknowledgement was signed on behalf of said Corporation and he duly acknowledged to me that said Corporation executed the same.

My Commission Expires: 6/30/87

STATE OF UTAH)
COUNTY OF SUMMIT)

ACKNOWLEDGEMENT

On this 23rd day of April, 1986, personally appeared before me James G. West, Jr., who being by me duly sworn, did say that he is the President of Dear Valley Resort Company, a Utah Corporation, and that the within and foregoing Owner's Dedication and Acknowledgement was signed on behalf of said Corporation and he duly acknowledged to me that said Corporation executed the same.

My Commission Expires: 7/18/87

STATE OF UTAH)
COUNTY OF SUMMIT)

ACKNOWLEDGEMENT

On this 23rd day of April, 1986, personally appeared before me James G. West, Jr., who being by me duly sworn, did say that he is the President of Dear Valley Resort Company, a Utah Corporation, and that the within and foregoing Owner's Dedication and Acknowledgement was signed on behalf of said Corporation and he duly acknowledged to me that said Corporation executed the same.

My Commission Expires: 7/18/87

STATE OF UTAH)
COUNTY OF SUMMIT)

THE COTTAGES

A RESUBDIVISION OF SILVER LAKE KNOLL NO. 2 PARCEL E & F SUBDIVISION LOCATED IN PART OF THE SOUTHEAST QUARTER OF SECTION 21 AND THE SOUTHWEST QUARTER OF SECTION 22, ALL IN T.2S., R.4E., S.L.B. & M., PARK CITY, SUMMIT COUNTY, UTAH

CITY COUNCIL APPROVAL

PRESENTED TO THE BOARD OF PARK CITY COUNCIL ON THE DAY OF APRIL, A.D. 1986. THE CITY ENGINEER HAS REVIEWED THIS RECORD OF SURVEY AND APPROVED IT.

James G. West
MAYOR

ATTEST: WITS RECORDER

CITY ENGINEER

APPROVED AND ACCEPTED BY THE PARK CITY, CITY ENGINEERING DEPARTMENT ON THIS 23rd DAY OF APRIL, A.D. 1986.

Orin W. Johnson
CITY ENGINEER

CITY PLANNING COMMISSION

APPROVED AND ACCEPTED BY THE CITY PLANNING COMMISSION ON THIS 23rd DAY OF APRIL, A.D. 1986.

Bradley A. Rich
CHAIRMAN

APPROVAL AS TO FORM

APPROVED AS TO FORM ON THIS 13th DAY OF SEPTEMBER, A.D. 1986.

James G. West
CITY CLERK

RECORDED

NO 259166
STATE OF UTAH
COUNTY OF SUMMIT
RECORDED AND FILED AT THE REQUEST OF:
William F. Enlow
* 25
FEE \$ 10.00

J.J. Johnson & Associates

Park Meadows Plaza,
Highway 64
P.O. Box 1881
Park City, Utah 84080

(801) 643-9811

1 of 2