

Ordinance No. 2019-20

AN ORDINANCE APPROVING AN EXTENSION OF THE APRIL 5, 2018 APPROVAL OF THE PROSPECT PLACE PLAT AMENDMENT LOCATED AT 86 PROSPECT STREET, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 86 Prospect Street has petitioned the City Council for approval of an extension of the Prospect Place Plat Amendment approval; and

WHEREAS, on April 3, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on March 30, 2019, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on March 14, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on March 14, 2018, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 5, 2018, the City Council held a public hearing and approved the Prospect Place Plat Amendment; and

WHEREAS; the City Council, held a public hearing on April 18, 2019 and approved an extension of the plat approval to April 18, 2020;

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the Prospect Place Plat Amendment located at 86 Prospect Street to allow time to resolve issues of interest to the City that also require compliance prior to plat recordation.

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

SECTION 1. APPROVAL. The Prospect Place Plat Amendment, 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 86 Prospect Street.
2. The site consists of Lot 12 of Block 18 of the Park City Survey and a metes and bounds parcel 75 feet wide by 80 feet deep located south of and adjacent to Lot 12.

3. The property is in the Historic Residential (HR-1) District.
4. There is an existing non-historic structure with an accessory building approved as an art studio at this address.
5. On February 28, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on February 24, 2018, according to requirements of the Land Management Code.
6. The City received a Plat Amendment application for the Prospector Place Plat Amendment on February 8, 2018. The application was deemed complete on February 15, 2018.
7. The proposed plat amendment will create three lots, one at 2,002 square feet and two at 2,908 square feet in size.
8. Each of the proposed lots is of sufficient area for a single family house and not of sufficient area for a duplex.
9. Existing Lot 12 is 1994.20 square feet and has sufficient lot area for a single family house.
10. The metes and bounds parcel is 5,830 square feet and has sufficient area for a duplex. Duplexes require a Conditional Use Permit in the HR1 District.
11. The existing home was constructed in 1907 and has been altered in a manner that it is not on the Historic Sites Inventory.
12. The existing home is a single-family dwelling which is an allowed use in the HR-1 district.
13. There is an accessory structure on the property which was approved as an art studio in 1994.
14. There is a shed on the property which encroaches over the south property line and onto neighboring property.
15. The minimum lot area in this zone is 1,875 square feet. One of the proposed lots is 2,002 square feet in size and two are 2,908 square feet in size.
16. The minimum lot width in the HR-1 zone is 25 feet. The proposed lots meet this requirement with one lot 25 feet wide and two lots 36.3 feet wide.
17. The proposed lots will each be approximately 80 feet deep.
18. The minimum front yard setback is 12 feet. The existing house has a 4 foot front yard setback.
19. The minimum rear yard setback is 12 feet. The existing house has a 26 foot rear yard setback.
20. All three new lots will have a front and rear yard setback of 12 feet each and 25 feet total.
21. The minimum side yard setback is 10 feet on each side and 24 feet total. The existing house has a 27 foot side yard setback on the north side and a 23 foot side yard setback on the south side with a total of 56 feet on both sides.
22. The existing structure does not meet front yard setback requirements.
23. The maximum building footprint for a lot this size is 2,520.4 square feet. The existing footprint meets this standard at approximately 1,805 square feet.
24. The maximum building footprint is 894.49 square feet for the proposed Lot 1 and 1,234.8 square feet for the proposed Lots 2 and 3.
25. The existing structures will need to be removed before the plat is recorded.

26. A Historic District Design Review application is required for any new construction proposed at the existing site.
27. A Steep Slope Conditional Use Permit is required for any construction proposed on slopes greater than 30 percent according to the HR-1 requirements. Construction mitigation, including parking of construction vehicles, will need to be addressed with each building permit.
28. Prospect Street is a narrow steep street that can at times receive heavy snowfall. Snow storage easements along public streets allow the City to efficiently plow and clear streets.
29. City Council approved the Prospect Place Plat Amendment as Ordinance 2018-14 on April 5, 2018.
30. On March 21, 2019, the applicant submitted a written request for an extension of the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation.
31. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
32. The Land Management Code allows for the City Council to approve extensions of plat approvals.

Conclusions of Law:

1. There is good cause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. 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.

Conditions of Approval:

1. The City Planner, 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 the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. A 10 foot wide public snow storage easement along the frontage of Prospect Street is required and shall be provided on the plat.
5. Removal of existing structures that will create new non-complying setback situations with the new lot lines is a condition precedent to recordation of this plat amendment.
6. The encroaching shed shall be removed or relocated to resolve the encroachment prior to plat recordation.

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

PASSED AND ADOPTED this 18th day of April, 2019.

PARK CITY MUNICIPAL CORPORATION



MAYOR

ATTEST:


City Recorder

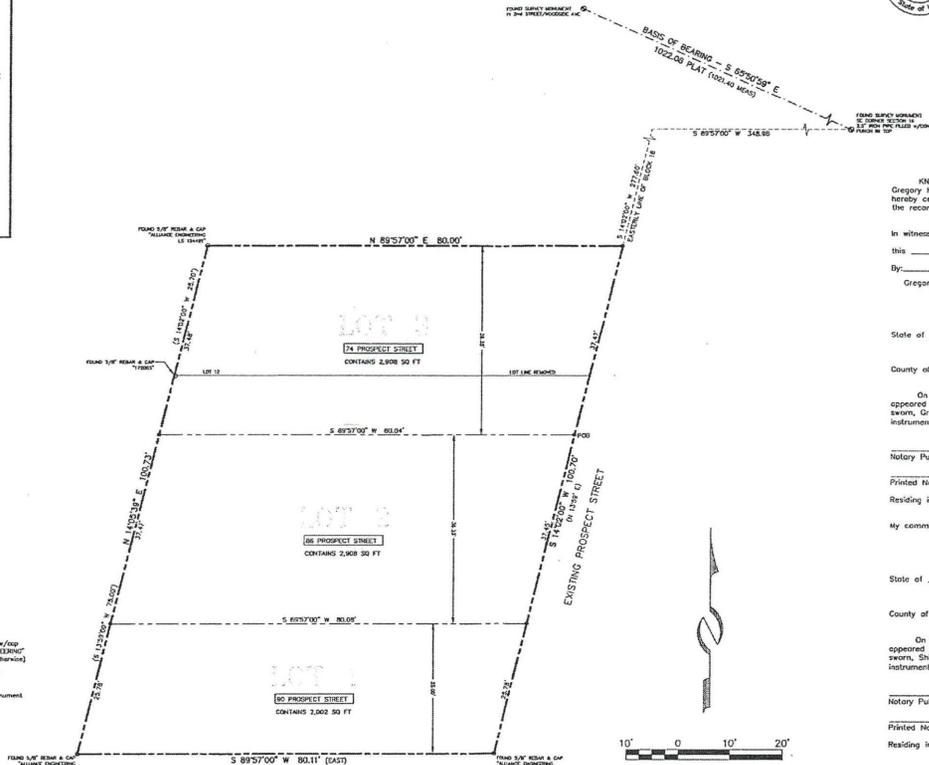
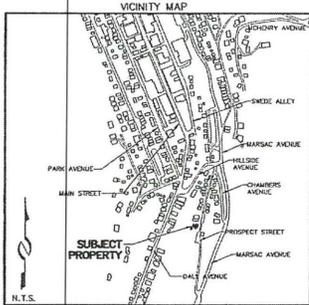


APPROVED AS TO FORM:


City Attorney

Attachment 1 – Proposed Plat

Exhibit A - Proposed Plat



LEGEND
 • Set 5/8" nail w/flag "ALLIANCE ENGINEERING" (unless noted otherwise)
 ○ Found monument (As-Noted)
 ⊙ Found Street Monument (As-Noted)



A LOT & PARCEL COMBINATION PLAT
 BLOCK 18, PARK CITY SURVEY
PROSPECT PLACE PLAT AMENDMENT

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Charles Odell, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah, and that by authority of the owners, PROSPECT PLACE PLAT AMENDMENT has been prepared under my direction and that the same has been instrumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

LEGAL DESCRIPTION

Lot 12, Block 15, Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.
 Also, a tract of land beginning at a point West 355.35 feet and South 13'59" West 303.90 feet from the Northeast Corner of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being the Southwest corner of Lot 12, Block 18 Park City Survey, and running thence West 80.11 feet, South 13'59" West 75 feet, East 80.11 feet, North 13'59" East 75 feet to beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT, Gregory Harry Balch and Shirley Ann Acaya, trustees of the Gregory Harry Balch & Shirley Ann Acaya Living Trust, dated September 1988, and any amendments thereto, hereby certify that they have caused a plat to be made and this Plat to be prepared and hereby consent to the recordation of this Plat.
 In witness whereof, the undersigned set his hand this ____ day of _____, 2018.
 By: _____
 Gregory Harry Balch, Trustee
 In witness whereof, the undersigned set her hand this ____ day of _____, 2018.
 By: _____
 Shirley Ann Acaya, Trustee

ACKNOWLEDGMENT

State of _____
 County of _____
 On this ____ day of _____, 2018, Gregory Harry Balch, trustee, personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Gregory Harry Balch acknowledged to me that he is the person whose name is subscribed to this instrument, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.
 Notary Public
 Printed Name _____
 Residing in: _____
 My commission expires: _____

ACKNOWLEDGMENT

State of _____
 County of _____
 On this ____ day of _____, 2018, Shirley Ann Acaya, trustee, personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Shirley Ann Acaya acknowledged to me that she is the person whose name is subscribed to this instrument, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.
 Notary Public
 Printed Name _____
 Residing in: _____
 My commission expires: _____

NOTES

- This plat amendment is subject to the Conditions of Approval in Ordinance 2018-_____.
- Record bearings and distances, when different from measured, are shown in parentheses ().
- See Record of Survey 5-7901.



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|--|---|---|--|---|--|--|--|
| CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 Main Street P.O. Box 2654 Park City, Utah 84302-2654 (435) 649-9447 | (435) 649-9447 SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2018 BY _____ S.B.W.R.D. | PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2018 BY _____ CHAIR | ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2018 BY _____ PARK CITY ENGINEER | APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2018 BY _____ PARK CITY ATNEY | COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2018 BY _____ MAYOR | CERTIFICATE OF ATTEST I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2018 BY _____ PARK CITY RECORDER | RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____ |
| | 2/7/18 JOB NO.: 16-1-18 FILE: X:\PCSD\dwg\m\plat2018\160118.dwg | | | | | | |