

**Ordinance No. 2019-54**

**AN ORDINANCE APPROVING THE AERIE PHASE I, AMENDING LOTS 9, 10 & 11, PLAT AMENDMENT FOR 1312, 1324 & 1336 AERIE DRIVE, PARK CITY, UTAH.**

WHEREAS, the owners of the properties known as 1312, 1324 & 1336 Aerie Drive, have petitioned the City Council for approval of The Aerie Phase I, Amending Lots 9, 10 & 11 to combine the lots; and

WHEREAS, on September 25<sup>th</sup> 2019, the property was properly posted and legal notice was sent to all affected property owners; and

WHEREAS, on September 25<sup>th</sup>, 2019, proper legal notice was published in the Park Record and on the Utah Public Notice website according to requirements of the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on October 9<sup>th</sup>, 2019, to receive input on the Plat Amendment for The Aerie Phase I, Amending Lots 9, 10 & 11;

WHEREAS, the Planning Commission, on October 9<sup>th</sup>, 2019, forwarded a positive recommendation to the City Council; and,

WHEREAS, the City Council on October 22<sup>th</sup>, 2019, held a public hearing and took final action on the Plat Amendment on November 7, 2019; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the Plat Amendment for The Aerie Phase I, Amending Lots 9, 10 & 11.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as Findings of Fact. The Plat Amendment for The Aerie Phase I, Amending Lots 9, 10 & 11, as shown in Exhibit A is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The properties are located at 1312, 1324 & 1336 Aerie Drive.
2. The lots are located in the Single Family (SF) zoning district.
3. On August 8th, 2019, the City received a complete application to amend Lots 9-11 by combining Lots 9 and 10, and to include Lot 11 on the same subdivision as the three lots are currently under the same ownership. The applicant amended their application on September 9th, 2019 to combine all three lots into one new lot (Lot 10A).
4. Currently Lots 9 and 11 are vacant and Lot 10 contains a single family house.

5. Easements for public utilities, drainage, and sanitary sewer lines exist on the lots and will remain unchanged.
6. In 1997 a Lot Line Adjustment to modify Lots 10 and 11 was approved to create the Olch Replat.
7. The proposed plat amendment combines three (3) existing parcels (Lots 9, 10 and 11) to create one lot of record consisting of 3.75 acres (163,184 square feet), a reduction in density.
8. Zoning Requirements for the SF district will remain in place for this lot and any new structures must comply with all applicable LMC requirements.
9. The proposed Plat Amendment does not create any new non-complying or non-conforming situations or any remnant parcels.
10. Future development will be limited to one curb cut, improving the safety on Aerie Drive for all vehicles and pedestrians, with less potential points of conflict.
11. Due to the visibility of the lot the Planning Commission chose to set a Maximum House Size of 13,500 square feet in order to ensure compatibility with the surrounding neighborhood.
12. Per the existing Aerie Height Restrictive Covenant, Building Height shall not exceed the horizontal line, 21 feet above the average height of the curb line of lot 10, The Aerie, Phase 1.
13. In order to protect neighborhood views the Main Building and any Accessory Buildings shall meet a minimum front setback of 20 feet, minimum side setbacks of 75 feet and a minimum rear setback of 50 feet.
14. Prior to the issuance of any Building Permits the Planning Department shall review and approve a Final Landscape Plan with an emphasis on the maintenance and protection of existing mature vegetation on the northwest property lines (former Lot 11), as well as a Construction Mitigation Plan that shows a Level of Disturbance corridor not to exceed 20 feet from the edge of the proposed building that encroaches onto former Lot 11.

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 subdivision plats.
3. Neither the public nor any person will be materially injured by the proposed amended condominium plat.
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 Attorney and City Engineer will review and approve the final form and content of the Plat Amendment for The Aerie Phase I, Amending Lots 9, 10 & 11, 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 Amendment at the 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 submitted

in writing and approved by the City Council.

3. A Plat Note shall indicate there shall be no further subdivision of Lot 10A.
4. A Plat Note shall indicate the number of curb cuts shall be limited to one single curb cut.
5. A Plat Note shall indicate any future driveway shall have sufficient turning room so that cars can pull out in a forward facing direction onto Aerie Drive.
6. A Plat Note shall indicate development on Lot 10A shall comply with the City's Defensible Space Requirements in effect at the time of application.
7. A Plat Note shall indicate the Maximum House Size shall not exceed 13,500 square feet.
8. A Plat Note shall indicate that per the existing Aerie Height Restrictive Covenant, Building Height shall not exceed the horizontal line, 21 feet above the average height of the curb line of lot 10, The Aerie, Phase 1.
9. A Plat Note shall indicate the Main Building and any Accessory Buildings shall meet a minimum front setback of 20 feet, minimum side setbacks of 75 feet and a minimum rear setback of 50 feet.
10. A Plat Note shall indicate that prior to the issuance of any Building Permits the Planning Department shall review and approve a Final Landscape Plan with an emphasis on the maintenance and protection of existing mature vegetation on the northwest property line (former Lot 11), as well as a Construction Mitigation Plan that shows a Limit of Disturbance corridor not to exceed 20 feet from the edge of the proposed building that encroaches onto former Lot 11.

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

PASSED AND ADOPTED this 7<sup>th</sup> day of November, 2019.

PARK CITY MUNICIPAL CORPORATION

  
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Andy Beerman, MAYOR

ATTEST:



  
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Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

  
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Margaret Plane, Special Counsel

