

Ordinance No. 2021-39

**AN ORDINANCE APPROVING THE 91 & 95 KING ROAD PLAT AMENDMENT,
LOCATED AT 91 KING ROAD AND 95 KING ROAD, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 91 King Road and 95 King Road petitioned the City Council for approval of the 91 & 95 King Road Plat Amendment to create two Lots of Record; and

WHEREAS, on August 25, 2021, the *Park Record* published notice for the Planning Commission public hearing; and

WHEREAS, on August 25, 2021, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the Planning Commission public hearing; and

WHEREAS, on September 22, 2021, the *Park Record* published notice for the City Council public hearing; and

WHEREAS, on September 22, 2021, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the City Council public hearing; and

WHEREAS, on September 8, 2021, the Planning Commission reviewed the proposed 91 & 95 King Road Plat Amendment and held a public hearing; and

WHEREAS, on September 8, 2021, the Planning Commission forwarded a positive recommendation for City Council's consideration on October 7, 2021; and

WHEREAS, on October 7, 2021, the City Council reviewed 91 & 95 King Road Plat Amendment and held a public hearing; and

WHEREAS, the 91 & 95 King Road Plat Amendment is consistent with the Park City Land Management Code, including Chapters 15-2.1, and Sections 15-7.3-2 and 15-7.3-3.

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

SECTION 1. APPROVAL. The 91 & 95 King Road Plat Amendment is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. On August 31, 2021, the Planning Department received a complete Plat Amendment Application.

2. The properties are located at 91 King Road and 95 King Road.
3. 91 and 95 King Road are described by metes and bounds and include Lots 24 and 25, Block 76, Millsite Reservation to Park City. PC-697-A. PC-700-A.
4. 91 King Road and 95 King Road were constructed across Lot lines.
5. The current configuration of these lots has been in place since 1992.
6. Prior to 1979, 91 and 95 King Road were in the R-1 Zoning District.
7. From 1997 to 2000, both properties were in the HR-1 Zoning District.
8. Since 2000, both properties have been in the HRL Zoning District.
9. In addition to creating two Lots, this Plat Amendment accommodates the dedication of King Road, a Public Right-of-Way.
10. On September 19, 1995, the Board of Adjustments granted 95 King Road Variances for minimum Lot size, Front Setback, and Side Setbacks.
11. On August 24, 2021, the Board of Adjustments granted Variances to 91 King Road for minimum Lot size, Lot width, and Front and Side Setbacks.
12. The Applicant proposes the 91 & 95 King Road Plat Amendment to create an 2,298 square foot Lot and a 3,135 square foot Lot in the Historic Residential - Low Density Zoning District for Single-Family Dwellings.
13. The proposed Plat Amendment complies with the purposes of the Historic Residential - Low Density Zoning District.
14. The proposed Subdivision complies with the Lot and Site requirements for the Historic Residential - Low Density Zoning District.
15. The proposed Subdivision complies with Land Management Code Section 15-7.3-2, as outlined in the staff report, and conditioned below.
16. The proposed Subdivision complies with Land Management Code Section 15-7.3-3, as outlined in the staff report, and conditioned below.
17. Plat Amendments shall be reviewed according to Section 15-7.1-6 Final Subdivision Plat and approval shall require (a) a finding of Good Cause, and (b) a finding that no Public Street, Right-of-Way, or easement has been vacated or amended.

Conclusions of Law

1. There is Good Cause for this Subdivision because the removal of the Lot lines resolves existing issues, portions of the property that include Ridge Avenue, a Public Street, are dedicated, and snow easements are dedicated on both King Road and Ridge Avenue.
2. The Subdivision complies with Land Management Code Chapters 15-2.1, as well as Sections 15-7.3-2 and 15-7.3-3.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Subdivision, 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 shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one years, this approval will be void, unless the applicant submits a request for an extension in writing prior to the expiration date and an extension is granted by the City Council.
3. The plat shall note that fire sprinklers are required for all new construction, to be approved by the Chief Building Official. Interior and exterior fire sprinkler systems may be required by the Park City Fire District at the time of Building Permit review.
4. A non-exclusive ten-foot public snow storage easement on King Road and Ridge Avenue shall be dedicated on the plat.
5. The property is not located within the Soils Ordinance and therefore it is not regulated by the City for mine-related impacts. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
6. City Engineer review and approval of all lot grading, utility installations, public improvements and drainage plans for compliance with City standards is a condition precedent to building permit issuance.
7. All Significant Vegetation that is removed shall be replaced in kind.
8. Limits of Disturbance that protect Significant Vegetation shall be approved by the Planning Director and shown on the final plat.
9. Existing natural drainage shall be maintained.
10. Site plans and Building designs shall resolve snow release issues to the satisfaction of the Chief Building Official.
11. Lot drainage shall be laid out to provide positive drainage away from the Single-Family Dwelling in accordance with the International Building Code.
12. All disturbed areas on the Lot shall be covered with topsoil and revegetated.
13. No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land or left or deposited on the Lot at the time of a Certificate of Occupancy.
14. The plat notes shall state that the Maximum Building Footprint for 91 King Road is 1,015.94 square feet.
15. The plat notes shall state that the Maximum Building Footprint for 95 King Road is 1,386.52 square feet.
16. Prior to Plat recordation, the Applicant shall either remove the existing retaining wall encroachments from the City Right-of-Way or enter into an Encroachment Agreement with the City that includes these encroachments conditioned by the City Engineer.
17. If at some point in the future King Road is re-aligned or at the time of redevelopment of the property, the applicant shall be responsible for the removal of retaining walls and other structures in the Right-of-Way at their sole expense and in an expeditious manner (within 90 days of written notice). The Applicant is responsible of securing appropriate City approvals and permits before any work on the encroachments can begin.
18. The Final Plat shall show a road dedication that accommodates a twenty-foot (20') pavement width for Ridge Avenue for the road, subject to review and approval of the City Engineer for compliance with City Standards, not to extend beyond the dedicated Right-of-Way.

19. Any additions to the existing Structures and all new Structures shall comply with the required Setbacks of the Zoning District.

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

PASSED AND ADOPTED this 7th Day of October, 2021.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:
Andy B
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Andy Beerman, MAYOR

ATTEST:



DocuSigned by:
Michelle Kellogg
E5F905BB533F431...

City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Mark Harrington
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City Attorney's Office

Attachment A: Plat Amendment Map

