

Ordinance No. 2021-42

AN ORDINANCE APPROVING THE NORTHSTAR SUBDIVISION – LOT 1 AMENDED AT 1061 AND 1063 LOWELL AVENUE, PARK CITY, UTAH

WHEREAS, the owners of the property located at 1061 and 1063 Lowell Avenue petitioned the City Council for approval of the Northstar Subdivision – Lot 1 Amended Plat; and

WHEREAS, on September 8, 2021, staff publicly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on September 22, 2021, the Planning Commission reviewed the proposed plat amendment, held a public hearing, and forwarded a positive recommendation to the City Council; and

WHEREAS, on October 28, 2021 the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the Northstar Subdivision – Lot 1 Amended Plat is consistent with the Park City Land Management Code.

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

SECTION 1. APPROVAL. The Northstar Subdivision – Lot 1 Amended Plat is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. On August 18, 2021, the City received a completed application for the Northstar Subdivision – Lot 1 Amended Plat amendment.
2. The property is located at 1061 and 1063 Lowell Avenue within the HR-1 District. The subject property consists of lot 1 of the 1977 Northstar Subdivision.
3. A deed line bifurcates the existing platted lot with a duplex structure on it (Parcels NR-1 & NR-1-A) however this was never subdivided and sanctioned by Park City Municipal Corporation.
4. On July 19, 1977, the Declaration of Protective Covenants for the Northstar Subdivision was recorded.
5. 7.4 of the Declaration prohibits further re-subdivision of Northstar Lots.
6. 8.1 of the Declaration limited development on each Northstar Subdivision Lot to one Single-Family Dwelling or “one double family dwelling.”
7. The 1980s LMC permitted a Two-Unit Dwelling as an Allowed Use in the HR-1 District.

8. In 1983, the City issued a building permit for the Duplex on Lot 1 of the Northstar Subdivision.
9. In 1985, a party wall agreement for the shared wall of the Duplex was recorded with Summit County.
10. The deed line created on Lot 1 was a violation of the Associations Protective Covenants.
11. On July 19, 1977, the Northstar Homeowners Association recorded a Notice of Noncompliance with Protective Covenants.
12. On January 14, 2010, the Northstar Homeowners Association recorded a Notice of Removal of Protective Covenants, removing the lot from the Northstar Declaration of Protective Covenants.
13. According to the survey, the lot is 0.44 acres or approx. 19,484 square feet.
14. A single-family dwelling is an allowed use in the HR-1 District.
15. A duplex dwelling is a Conditional Use in the HR-1 District for lots with a minimum area of 3,750 square feet.
16. Currently Lot 1 contains 19,484 sq. ft. with a legal non-complying duplex on it which has an approved building permit from 1983 (when the code allowed duplex's in the HR-1 zone).
17. The current duplex would be described as a non- complying structure, which is defined in LMC §15-15-1.172 as "a structure that legally existed before its current zoning designation; and because of subsequent zoning changes, does not conform to the zoning regulation's Setback, Height restrictions, or other regulations that govern the Structure." Though this lot has not been designated as a duplex lot the non-conforming structure that was lawfully constructed with a permit prior to a contrary change in the LMC may be used and maintained, subject to the standards and limitations of Chapter 15-9 'Non-Conforming Uses and Non-complying Structures'.
18. According to recorded documents from 2008, Northstar HOA voted to remove Lot 1 from the HOA due to lack of compliance issues continuing on the lot, which included the duplex and the deed line which was put through the center of the lot.
19. This application is a request to subdivide Lot 1 of the current Northstar Subdivision and create two (2) lots of record.
20. Existing on the lot is a (15') foot non-exclusive Access easement to access Lot 1, 2 and parts of Lot 3 of Northstar plat.
21. The proposed subdivision has the ability to meet code requirements under Land Management Code (LMC) Chapter 2.2 Historic Residential (HR-1) District for use, density, setbacks, height, and parking.
22. 2 or more lots will require a Steep Slope Conditional Use Permit per 15-2.2-6.
23. A duplex dwelling will require approved conditional use permits.
24. If two (2) lots are created from the plat amendment, the HR-1 building footprint is 2817.5 square feet, maximum based on lot size.
25. The HR-1 Front and rear yard setbacks are 15 feet minimum and 30 feet total.
26. The HR-1 Side yard setbacks are 5 feet minimum and 18 feet total.
27. The HR-1 building zone height requires no Structure shall be erected to a height greater than twenty-seven feet (27') from Existing Grade.

28. The HR-1 zone requires that Final Grade must be within four vertical feet (4') of Existing Grade around the periphery of the structure.
29. The HR-1 zone requires that a Structure shall have a maximum height of thirty five feet (35') measured from the lowest finish floor plane to the point of the highest wall top plate [...].
30. The HR-1 zone requires a ten foot (10') minimum horizontal step in the downhill façade [...].
31. The HR-1 zone roof pitch must be between 7:12 and 12:12 for primary roofs. Non-primary roofs may be less than 7:12.
32. The City does not enforce any Subdivision Covenants, Conditions, & Restrictions (CC&Rs).
33. The Northstar Subdivision was platted in 1977.
34. The density of the Northstar Subdivision was originally one Unit per lot but has since changed to allow duplexes within their subdivision (it is still a Conditional Use per the LMC 15-2.2-2 (B) LMC).
35. Staff finds the proposal complies with HR-1 purpose statement C: "encourage construction of Historically Compatible Structures that contribute to the character and scale of the Historic District and maintain existing residential neighborhoods."
36. Staff finds that the two (2) smaller lots would be able to read more alike to the homes and lots north of their lot and on the east side of the street. Purpose, statement D to "encourage single family Development on combinations of 25' x 75' Historic Lots" the proposed two (2) lots would maintain the compatibility that already exists on the west side of Lowell Avenue.
37. The proposal of two (2) smaller-sized lots can be viewed as a compatible design and lot size when looking to the North and East side of Lowell Avenue and to the purpose statements of the Historic District.
38. The proposed two (2) lots would not increase or decrease the compatibility of existing lots on Lowell in terms of lot size and density and would create more consistent structures within the Historic District Design Guidelines as future houses would be more compatible in width, size, and general massing.
39. If the plat amendment is approved, each lot will maintain 9,742 square feet which allows each lot to pursue a Conditional Use Permit to build a duplex per lot. Should this plat amendment be approved, the opportunity for the applicants to pursue two additional units on this lot (resulting in four (4) units total) is a possibility.
40. The Planning Commission must make a finding of Good Cause prior to forwarding a positive recommendation for City Council's consideration.
41. LMC § 15-15-1 defines Good Cause as follows: *Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.*

42. This plat amendment would allow for additional density with the pursuant of two Conditional Use permits per lot.
43. Increasing the density by two (2) per lot, for a total of four (4) lots would require extensive additional impact mitigation than what has currently been considered for maintaining the current density.
44. Among other items, water, sewer, and fire access would require reevaluation and the private road easement above Lowell that allows access to the duplex would need to be reassessed.

Conclusions of Law

1. There is Good Cause for the Northstar Subdivision – Lot 1 Amended Plat because it resolves non-conformities, resolves the existing non-conforming deed line, preserves the character of the HR1 neighborhood and does not increase density.
2. The Northstar Subdivision – Lot 1 Amended Plat is consistent with Land Management Code Section 15-7.1-3(B), Section 15-7.1-6, and Chapter 15-2.13.
3. Neither the public nor any person will be materially injured by the Northstar Subdivision – Lot 1 Amended Plat.
4. Approval of the Northstar Subdivision – Lot 1 Amended Plat, 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 Planning Director, City Attorney, and City Engineer will review and approve the final form and content of the plat for compliance with Utah 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 year, 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. 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.
4. The property owners are to assume all obligations under the Release, Waiver, and Agreement by such an amendment in a form approved by the City Attorney, to be recorded prior to recordation of the Plat Amendment.
5. In the case of one owner of the duplex intending to redevelop their lot, both lots would require agreement and be subject to demolishing the duplex in conjunction.
6. The Building Footprint for each Lot is 2,818 square feet.

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

PASSED AND ADOPTED this 28th day of October, 2021.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

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Andy Beerman, MAYOR

ATTEST:



DocuSigned by:

E5E905BB533E431

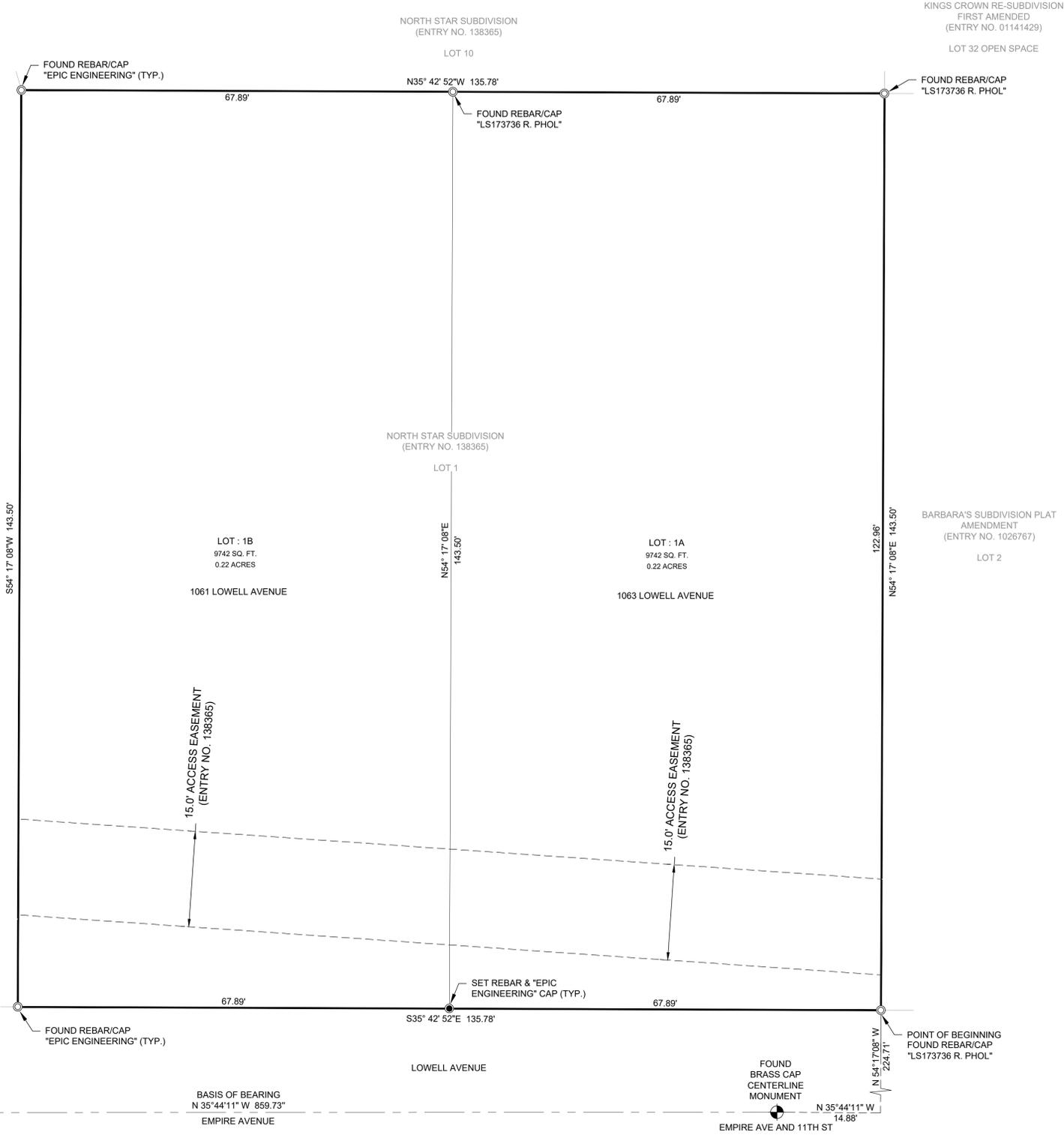
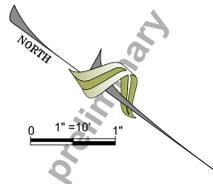
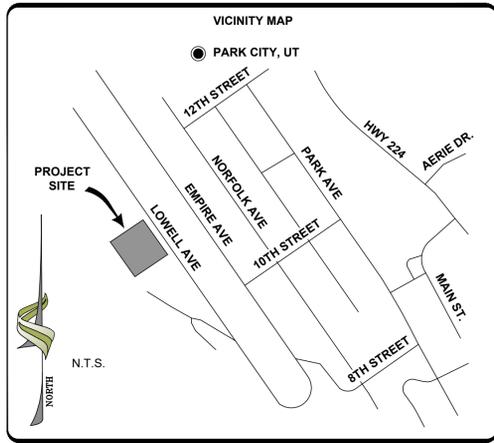
City Recorder

APPROVED AS TO FORM:

DocuSigned by:

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City Attorney's Office



NORTHSTAR SUBDIVISION - LOT 1 AMENDED

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

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOWN ALL MEN BY THESE PRESENTS THAT WE THE UNDERSIGNED OWNER(S) OF THE TRACT OF LAND SHOWN AND DESCRIBED ON THIS SUBDIVISION PLAT, HAVE CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS, STREETS AND EASEMENTS TO BE HEREAFTER KNOWN AS NORTHSTAR SUBDIVISION - LOT 1 AMENDED, AND DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

AS WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF _____, 2021

X _____ DATE _____

ACKNOWLEDGMENT

ON THIS ____ DAY OF _____, 2021, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF _____, IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNERS DEDICATION, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT THEY SIGNED THE OWNERS DEDICATION FREELY AND VOLUNTARILY FOR THE PURPOSES MENTIONED.

NOTARY PUBLIC IN AND FOR THE STATE OF UTAH
RESIDING IN _____, UTAH
STATE OF UTAH }
COUNTY OF _____ } SS
MY COMMISSION EXPIRES: _____

LEGAL DESCRIPTION

ALL OF LOT 1, NORTHSTAR SUBDIVISION (ENTRY NO. 138365) ON FILE IN THE SUMMIT COUNTY RECORDER'S OFFICE.

NARRATIVE

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT 1 OF NORTHSTAR SUBDIVISION (ENTRY NO. 138365, SUMMIT COUNTY RECORDER'S OFFICE) INTO TWO (2) RESIDENTIAL LOTS.

THIS SUBDIVISION BOUNDARY HONORS SAID NORTHSTAR SUBDIVISION AS WELL AS A 2016 RECORD OF SURVEY FILED BY EPIC ENGINEERING (ENTRY #S-8642, SUMMIT COUNTY SURVEYORS OFFICE).

TWO BRASS CAP MONUMENTS FOUND IN THE INTERSECTIONS OF EMPIRE AVENUE & 11TH STREET AND EMPIRE AVENUE & 9TH STREET WITH A BEARING OF NORTH 35°44'11" WEST 859.73 FEET WAS USED AS THE BASIS OF BEARING FOR THIS SURVEY.

PROPERTY CORNERS WERE MONUMENTED AS DEPICTED ON THIS SURVEY.

SURVEYOR'S CERTIFICATE

I, TRAVIS R. GOWER, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD LICENSE NUMBER 6439364, AND HOLDS A LICENSE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS' LICENSING ACT AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY THAT BY THE AUTHORITY OF THE OWNERS, I HAVE COMPLETED A SURVEY OF THE TRACT OF LAND SHOWN ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-17 AND HAVE VERIFIED ALL MEASUREMENTS AS DESCRIBED HEREON, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO A SINGLE PARCEL TOGETHER WITH EASEMENTS AS SHOWN ON THIS PLAT AND NAME SAID PLAT NORTHSTAR SUBDIVISION - LOT 1 AMENDED, AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND MONUMENTED ON THE GROUND AS REPRESENTED ON THIS PLAT.



TRAVIS R. GOWER
P.L.S. 6439364
DATE _____

PARK CITY COUNCIL APPROVAL

APPROVED AND ACCEPTED THIS ____ DAY OF _____, 2021. A.D.

MAYOR _____ CITY RECORDER _____

PUBLIC SAFETY ANSWERING POINT APPROVAL

APPROVED AND ACCEPTED THIS ____ DAY OF _____, 2021. A.D.

SUMMIT COUNTY GIS COORDINATOR _____

Address Table

Lot #	Address
1A	1063 LOWELL AVENUE
1B	1061 LOWELL AVENUE

PARK CITY PLANNING COMMISSION

APPROVED AND ACCEPTED THIS ____ DAY OF _____, 2021. A.D.

CHAIRMAN _____

APPROVAL AS TO FORM

APPROVED AS TO FORM THIS ____ DAY OF _____, 2021. A.D.

CITY ATTORNEY _____

PARK CITY ENGINEER

APPROVED AND ACCEPTED THIS ____ DAY OF _____, 2021. A.D.

CITY ENGINEER _____

SNYDERVILLE BASIN WATER RECLAMATION DISTRICT

APPROVED AND ACCEPTED THIS ____ DAY OF _____, 2021. A.D.

PARK CITY RECORDER

RECORDED AND FILED AT THE REQUEST OF _____

APPROVED THIS ____ DAY OF _____, 2021. A.D.

TIME: _____ ENTRY# _____ FEE: _____

CITY RECORDER _____

SUMMIT COUNTY RECORDER

RECORDED AND FILED AT THE REQUEST OF _____

APPROVED THIS ____ DAY OF _____, 2021. A.D.

TIME: _____ ENTRY# _____ FEE: _____

COUNTY RECORDER _____

LEGEND

- STREET MONUMENT (FOUND)
- MONUMENT LINE
- PROPERTY LINE
- LOT LINE
- SET MONUMENT
- FOUND MONUMENT

NORTHSTAR SUBDIVISION - LOT 1 AMENDED

1061 AND 1063 LOWELL AVENUE
SE1/4NW1/4 SEC. 16, T.2S., R.4E., SLB&M
PARK CITY, SUMMIT COUNTY, UTAH

3341 South 4000 West
West Valley, Utah 84120
(801) 955-0066
50 East 100 South
Holladay, UT, 84032
(435) 954-6900

0 1" = 10'
DRAWN: JF
CHECKED: TG

PROJECT #:
16SM1891.14
DATE:
06/29/2021
SHEET NO:
1 OF 1

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