

**Ordinance No. 16-10**

**AN ORDINANCE APPROVING GATEWAY ESTATES REPLAT - SECOND AMENDED LOCATED AT 408/410/412 DEER VALLEY LOOP, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 408/410/412 Deer Valley Loop has petitioned the City Council for approval of the Plat Amendment; and

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

WHEREAS, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 10, 2016, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on February 10, 2016, forwarded a recommendation to the City Council; and,

WHEREAS, on March 3, 2016, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve Gateway Estates Replat - Second Amended.

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

**SECTION 1. APPROVAL.** Gateway Estates Replat - Second Amended as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**General Findings of Fact:**

1. The property is located at 408/410/412 Deer Valley Loop.
2. The property is in the Historic Residential-1 District.
3. The subject property consists of Lots 1, 2, and 3, of the Gateway Estates Replat Subdivision Amended.
4. Lot 1 and 2 are currently vacant.
5. Lot 3 contains a single-family dwelling, built in 2010, approximately 4,315 square feet.
6. In March 2000, the City Council approved the Gateway Estates Replat Subdivision which combined eighteen (18) Old Town lots in Block 63 of the Park City Survey into two (2) lots of record and was recorded in June 2000.
7. In August 2008, the City Council approved the Gateway Estates Replat Subdivision Amended, which reconfigured the two (2) approved lots into three (3)

- lots of recorded and was recorded in March 2009.
8. When the Gateway Estates Replat Subdivision Amended (2009) was recorded at Summit County, the Gateway Estates Replat Subdivision (2000) was retired.
  9. The proposed Plat Amendment reconfigures three (3) lots of record into two (2) lots.
  10. A single-family dwelling is an allowed use in the R-1 District.
  11. The minimum lot area for a single-family dwelling is 2,812 square feet (approx. 0.065 acres).
  12. Proposed Lot A is 19,385 square feet.
  13. Proposed Lot B is 12,685 square feet.
  14. The proposed lots meet the minimum lot area for a single-family dwelling in the R-1 District.
  15. A duplex dwelling is an allowed use in the R-1 District, however; when the three (3) lot subdivision was approved in 2008/2009, a plat note was placed indicating that duplexes would not be allowed in this subdivision as stipulated by the property owner at the time.
  16. The current property owner does not request to undo this existing plat note/condition of approval.
  17. A triplex is a conditional use in the R-1 District.
  18. The minimum lot area for a triplex dwelling is 5,625 square feet.
  19. The proposed lots meet the minimum lot area for a triplex dwelling.
  20. The minimum lot width allowed in the R-1 District is thirty-seven and one-half feet (37.5').
  21. The proposed width of Lot A is approximately 98 feet.
  22. The proposed width of Lot B is approximately 129 feet.
  23. The proposed lots meet the minimum lot width allowed in the R-1 District.
  24. In 2008/2009 the City limited the maximum Building Footprint to a combined total of 5,753 square feet.
  25. The City was consistent with the 2000 Plat Amendment approval which limited Lot 1 to 3,150 square feet and Lot 2 to 2,593 square feet, a combined total of 5,753 square feet.
  26. According to the 2000 Plat Amendment approval, remnant lots north of Deer Valley Loop were used as part of the total footprint calculation formula as they were dedicated to the City as open space.
  27. The R-1 District Does not restrict the Building Footprint.
  28. Staff recommends limiting the Building Footprint to the original Plat Amendment note which limited Lot 1 to 3,150 square feet, maximum, and Lot 2 to 2,593 square feet, maximum, a combined total of 5,753 square feet. See Condition of Approval no. 8.
  29. In 2008/2009 the approved Plat contained an access easement for the benefit of lot 1 and Lot 2 over Lot 2 and Lot 3.
  30. The proposed Plat Amendment requests re-platting a similar driveway access easement over proposed Lot B for the benefit of proposed lot A.
  31. During the 2008/2009 review of the Plat Amendment, Planning Staff identified two (2) mine shafts onsite near the Lot 1 and Lot 2 side property line.
  32. In order to mitigate the impacts of possible construction a condition was added to

that approval as suggested by the Chief Building Official requiring that a letter be provided to the City by a register Professional Engineer certifying that the mines shafts have properly been closed and that they can adequately support any proposed construction if applicable prior to building permit issuance. See Condition of Approval no. 4.

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 Subdivisions.
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 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 date and an extension is granted by the City Council.
3. The plat shall note that duplexes and triplex dwellings are not allowed in the subdivision.
4. A letter shall be provided to the city by a register Professional Engineer certifying that the mines shafts have properly been closed and that they can adequately support any proposed construction if applicable prior to building permit issuance.
5. There shall be a ten foot (10') wide non-exclusive utility and snow storage easement along the front property line as indicated on the plat.
6. There shall be an access easement over Lot B for the benefit of Lot A as indicated on the plat.
7. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
8. A note shall be added to the plat prior to recordation limiting the Maximum Building Footprint for Lot A to 3,150 square feet and for Lot B to 2,593 square feet.
9. Access shall be limited to Deer Valley Loop only.

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

PASSED AND ADOPTED this 3<sup>rd</sup> day of March, 2016.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

  
\_\_\_\_\_  
Michelle Kellogg  
City Recorder



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

# Attachment 1 - Proposed Plat

**SURVEYOR'S CERTIFICATE**

I, Martin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 1590 issued by the State of Utah, and that I have personally surveyed the above described premises and have thereon established lines of location and bearings and distances, and that the same have been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

**DEED DESCRIPTIONS**

AS to LOTS 1, 2 and 3, GATEWAY ESTATES REPLAT SUBDIVISION AMENDED, according to the official plat thereon on file and of record in the Summit County Recorder's Office.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

I, Charles W. Thak, hereby certify that I am the owner of the above described premises, and I hereby consent to the recording of this plat in the Summit County Recorder's Office.

In witness whereof, the undersigned has hereunto set his hand and seal on this 15th day of August, 2016.

Charles W. Thak

**ACKNOWLEDGMENT**

State of UTAH

County of SUMMIT

On this 15th day of August, 2016, Charles W. Thak, the person whose name appears in the foregoing plat, personally appeared before me, the undersigned Public Notary, and he acknowledged to me that he signed the above Deed, Dedication and Consent to Record freely and voluntarily, and that he signed the same Deed, Dedication and Consent to Record freely and voluntarily.

Notary Public

Printed Name: \_\_\_\_\_

Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_

DEER VALLEY LOOP

Lot A  
CONTAINS 15.865 SQ FT

Lot B  
CONTAINS 15.865 SQ FT

Scale: 1"=500'

**NOTE**

This subdivision is subject to the Conditions of Approval in Ordinance 15-\_\_\_\_.

**PLANNING COMMISSION**

APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 15th DAY OF August, 2016

BY \_\_\_\_\_ CHAIR

**ENGINEER'S CERTIFICATE**

APPROVED AS TO FORM THIS 15th DAY OF August, 2016

FILED IN MY OFFICE THIS 15th DAY OF August, 2016

BY \_\_\_\_\_ PARK CITY ENGINEER

**COUNCIL APPROVAL AND ACCEPTANCE**

APPROVED AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 15th DAY OF August, 2016

BY \_\_\_\_\_ MAYOR

**CERTIFICATE OF ATTEST**

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF \_\_\_\_\_

DATE 15th TIME \_\_\_\_\_ ENTRY NO. \_\_\_\_\_

FEE \_\_\_\_\_

RECORDED

**GATEWAY ESTATES REPLAT—SECOND AMENDED**

LOCATED IN THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 10 EAST, SOUTH S 46 AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

**NO. 1590 15-10-15 FILED IN THE OFFICE OF THE SUMMIT COUNTY RECORDER**

**PLANNING COMMISSION**

REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS 15th DAY OF August, 2016

BY \_\_\_\_\_ S.B.W.R.D.