

Ordinance No. 15-55

AN ORDINANCE APPROVING AN EXTENSION OF ORDINANCE 14-18 AND THE MAY 8, 2014, APPROVAL OF THE RE-ESTABLISHMENT OF LOTS 30 AND 31 OF HOLIDAY RANCHETTES SUBDIVISION, LOCATED AT 2519 AND 2545 LUCKY JOHN DRIVE, PARK CITY, UTAH.

WHEREAS, the owners of property located at 2519 and 2545 Lucky John Drive have petitioned the City Council for approval of a plat amendment to re-establish Lots 30 and 31 of the Holiday Ranchettes Subdivision;

WHEREAS, proper legal notice was published in the Park Record according to requirements of the Land Management Code;

WHEREAS, the property was posted and notice was provided according to requirements of the Land Management Code;

WHEREAS, the Planning Commission held public hearings on September 25, 2013, February 26, 2014, and March 12, 2014 to receive input on the proposed plat amendment;

WHEREAS, the Planning Commission forwarded a positive recommendation to City Council on March 12, 2014;

WHEREAS, the City Council, held a public hearing on April 24, 2014 and continued the item to May 8, 2014 at the applicant's request;

WHEREAS, on the City Council, held a public hearing on May 8, 2014, and approved the plat amendment; and

WHEREAS, on April 8, 2015, there was delivered to the City, one month prior to the expiration date of May 8, 2015, the final signed mylar plat for recordation; and

WHEREAS, due to the time required to obtain required City signatures, the City was unable to record the plat prior to the May 8, 2015 expiration date;

WHEREAS, on May 8, 2015, prior to 5pm, the applicant submitted a written request for an extension to allow the City additional time to obtain necessary signatures and to record the plat at Summit County; and

WHEREAS, the plat amendment extension contains no modifications to the approved plat and there have been no changes that would render the approval invalid; and

WHEREAS, there have been no relevant changes to the Land Management Code since the approval and Staff finds that the findings of fact, conclusions of law and conditions of approval from the approved plat amendment are still valid; and

WHEREAS, there is good cause for the extension request and it is in the best interest of Park City, Utah to approve the plat amendment extension as conditioned below.

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 extension request for the approval of the re-establishment of Lots 30 and 31 Holiday Ranchettes Subdivision plat amendment, located at 2519 and 2545 Lucky John Drive, as shown in Exhibit A, is approved subject to the following Findings of Fact, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The property is located at 2519 and 2545 Lucky John Drive in the Single-Family (SF) zoning district.
2. The property consists of a two-acre lot, known as Lot 1 of the 2519 Lucky John Drive Replat approved and recorded on September 2, 1999. Lot 1 was created when a lot line adjustment removing the common lot line between Lots 30 and 31 of the Holiday Ranchettes Subdivision (recorded on May 31, 1974) was approved and recorded at Summit County on September 2, 1999.
3. The owners wish to re-establish the original platted lot configuration of Lots 30 and 31 of the 1974 Holiday Ranchettes Subdivision.
4. Each lot will be one-acre in area, consistent with the 1974 Holiday Ranchettes Subdivision platted configuration.
5. The proposed density for this plat amendment is one (1) dwelling unit per acre.
6. There are no house size limitations within the Holiday Ranchettes subdivision.
7. The minimum setback requirements are twenty feet (20') for the front yard and twelve feet (12') for the side yards. Front facing garages require a twenty-five (25') foot front setback. The rear setback requirement of fifteen feet (15') is not applicable due to the double frontage nature of both lots.
8. There is an existing single family house on Lot 30 that complies with all required setbacks.
9. There is an existing garage/storage structure built on Lot 31 that complies with all required setbacks.
10. Both Lots 30 and 31 have double frontage onto Lucky John Drive and Holiday Ranch Loop Road. The 1974 Holiday Ranchettes Subdivision plat includes notes restricting access from Lucky John Drive.
11. The pattern of development in the neighborhood includes primary access to these double frontage lots from Lucky John Drive and not from Holiday Ranch Loop Road, providing consistent building setback areas along Lucky John Drive and Holiday Ranch Loop.
12. The plat provides for a restriction of access to Lucky John Drive and protects the safe routes to school pedestrian and bike path from additional primary access across it.
13. A shared driveway provides access to Lots 30 and 31.
14. The LMC (Section 15-3-3 (H)) states that shared driveways are strongly recommended. Shared driveways decrease impervious surface, and storm water run-off. Shared drives provide for greater landscaping/open space areas and provide

opportunities for designs that lessen visual impacts of garages, while decreasing the number of curb cuts on streets. Shared driveways necessitate access easements and maintenance agreements between property owners.

15. The proposed plat re-establishes the original two-lot configuration.
16. The proposed plat causes no nonconformities with respect to setbacks, lot size, maximum density, or otherwise.
17. All original drainage and utility easements will be re-established.
18. New snow storage easements and easements to address shared access and encroaching utilities will be provided.
19. Conditions banning access from Holiday Ranch Loop will be re-instated with this plat.
20. There is Good Cause to approve the proposed plat amendment as conditioned as the plat amendment does not cause undo harm on any adjacent property owners, the built conditions are consistent with requirements of the Land Management Code, future development will be reviewed for compliance with requisite Building and Land Management Code requirements with review by the HOA, cross access easements and utility relocation and/or utility easements will be recorded to resolve encroachment issues, and public snow storage easements will be provided along Lucky John Drive and Holiday Ranch Loop Road.
21. The proposed plat, as conditioned, is consistent with the approved 1974 Holiday Ranchettes Subdivision plat, meets the requirements of the Land Management Code.
22. Proposed conditions of approval require the applicant to provide to the City a letter from the HOA outlining concerns and recommendations regarding any proposed changes to the property, prior to issuance of any building permits.
23. The existing house is typical of the existing development in Park Meadows, and the subdivision will allow for another home of similar size to be built in the subdivision as originally planned when the Holiday Ranchettes Subdivision was approved.
24. On March 12, 2014, the Planning Commission conducted a public hearing and forwarded a positive recommendation to the City Council.
25. On April 24, 2014, the City Council held a public hearing and continued the item to May 8th at the applicant's request.
26. On May 8, 2014, the City Council approved the requested plat amendment.
27. On April 8, 2015, the applicant submitted the final mylar to the City for recordation at Summit County.
28. Due to the time required to obtain required City signatures, the City was unable to record the plat prior to the May 8, 2015 expiration date
29. On May 8, 2015, prior to 5pm, the applicant submitted a written request for an extension to allow the City additional time to obtain necessary signatures and to record the plat at Summit County.

Conclusions of Law

1. The plat amendment and extension request are consistent with the Park City Land Management Code and applicable State law regarding subdivisions.
2. Neither the public nor any person will be materially injured by the extension request or proposed plat amendment.
3. Approval of the extension request, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.

4. The applicant demonstrated no change in circumstance that would result in an unmitigated impact or that would result in a finding of non-compliance with the General Plan or the LMC in effect.
5. The plat amendment extension request contains no modifications to the approved plat amendment and there have been no physical changes to the property or surroundings that would render the approval invalid.
6. There have been no relevant changes to the Land Management Code since the approval.
7. The findings of fact, conclusions of law and conditions of approval from the May 8, 2014, City Council approval and Ordinance 14-18 are still valid, as repeated in this Ordinance.

Conditions of Approval

1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Prior to making any physical changes to the property and prior to occupancy of the detached garage located on Lot 31, for any use other than as a detached garage and storage building, the applicant shall meet with the HOA (provided that there is an established HOA at the time of the building permit application) and shall provide to the City, with any building permit application, a detailed letter from the HOA outlining the HOA's concerns and recommendations with said building permit application. This is noted on the plat.
4. A certificate of occupancy, issued by the City, is a condition precedent to occupation of the garage on Lot 31 for any use other than as a detached garage or storage building. This is noted on the plat.
5. Any construction on Lots 30 and 31 shall use the original existing grade (USGS topography that existing prior to any construction on the lots) in the calculation of Building Height. This is noted on the plat.
6. The garage structure on Lot 31 may not be used as a dwelling unit until separate utilities and sewer services are provided for this lot, as required by the various utility providers, and until a certificate of occupancy is issued by the City. Utility work, including grading and landscape changes, requires a building permit. A letter from said HOA, stating that the HOA is aware of the proposed work and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for this work. This is noted on the plat.
7. Prior to recordation of this plat amendment, cross access easements for the shared driveway shall be recorded at Summit County and reflected on the plat. Cross access easements would not be required if the shared driveway is modified and the access encroachments are removed prior to plat recordation. This has been done and is noted on the plat.
8. Prior to recordation of the plat, any existing utilities that cross the common property line, shall be relocated as required by the utility providers (this has been completed).

If relocation is not required, then encroachment easements shall be recorded at the County.

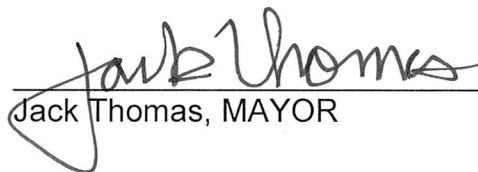
9. Prior to proposed construction on Lots 30 and 31, including additions, remodels, driveway re-locations, grading, landscaping, fencing, and any other construction that requires a permit from the City, a letter from said HOA, stating that the HOA is aware of the proposed work, and outlining any concerns and recommendations, shall be provided to the City prior to issuance of any permits for utility work. This is noted on the plat.
10. No access to Lots 30 and 31 is permitted from Holiday Ranch Road. This is noted on the plat.
11. A ten foot (10') wide public snow storage easement is required along the frontage of the Lots on both the Holiday Ranch Road and Lucky John Drive frontages. This easement is on the plat.
12. A note shall be added to the plat that modified 13-D sprinklers will be required for new construction as required by the Chief Building Official at the time of review of the building permit. This is noted on the plat.

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

PASSED AND ADOPTED this 16 day of July, 2015.



PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

ATTEST:



Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney

EXHIBIT A

SURVEYOR'S CERTIFICATE

Martin A. Nelson, Registered Professional Land Surveyor and Plat Filed Certificate No. 493570, as authorized by the laws of the State of Utah, and in compliance with the provisions of the Utah Surveying Act, Chapter 133 of the Utah Code, and the rules and regulations thereunder, has prepared this record of plat and plat information for the purpose of recording the same. I further certify that the information on this plat is accurate.



BOUNDARY DESCRIPTION

2018 LUCKY JOHN DRIVE BEING PLAT LOTS 30 AND 31, HOLIDAY RANCHETTES SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE SUMMIT COUNTY RECORDER'S OFFICE.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that the undersigned owner of the hereinafter described tract of land, to be known hereafter as the re-established tract of the Original Plat of Lots 30 and 31, in the Holiday Ranchettes Subdivision, in the County of Clark, State of Nevada, do hereby dedicate and consent to the recordation of this Re-establishment of the Original Plat of Lots 30 and 31, Holiday Ranchettes Subdivision.

In witness whereof, the undersigned affix her hand this day of APRIL, 2015.

[Signature]
 CAS S. GUBITZ
 Stream Landscapes, Manager

ACKNOWLEDGMENT

State of NEVADA
 County of CLARK

Know all men that on this day of APRIL, 2015, the undersigned, CAS S. GUBITZ, being duly sworn, do hereby certify that the above and foregoing is a true and correct copy of the original plat as the same appears in the files of the County Clerk of Clark County, Nevada, and that the undersigned is duly authorized to sign the above Owner's Dedication and Consent to Record and verify the same.

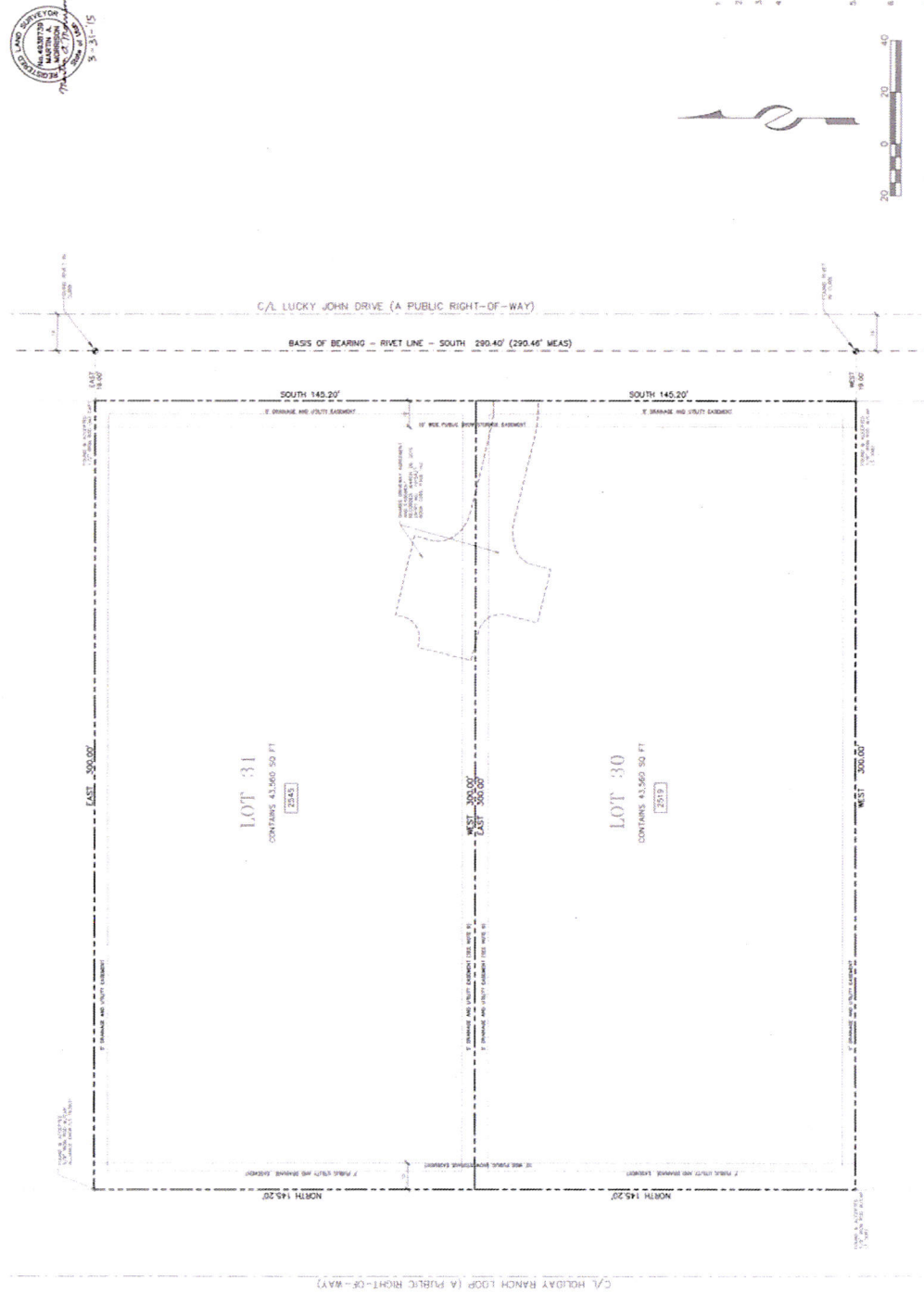
Witness my hand and the seal of my office this day of APRIL, 2015.
[Signature]
 CAS S. GUBITZ
 County Clerk

My commission expires: 9-22-2015

NOTES

- [XXX] Street address on Lucky John Drive
- No access to Lots 30 and 31 is permitted from Holiday Ranch Loop Road
- This plat is subject to the Conditions of Approval in Ordinance 14-118.
- Prior to making any physical changes to the property and prior to occupancy of the detached garage located on Lot 31, for any use other than as a detached garage, the applicant shall obtain a permit from the City of Park City. There is an established track at the time of the building permit application and the applicant shall be responsible for maintaining the track in accordance with the applicable rules and regulations of the City of Park City. The applicant shall obtain a permit from the City of Park City for any building permit application and shall be responsible for maintaining the track in accordance with the applicable rules and regulations of the City of Park City.
- A certificate of occupancy issued by PDMC, as a condition precedent to occupation of the garage on Lot 31 for any use other than as a detached garage, is required.
- Construction on Lots 30 and 31 shall use the original existing grade (100%) in the calculation of building height.
- The garage on Lot 31 may not be used as a dwelling unit until separate utility and sewer services are provided for the lot, as required by the PDMC utility work, including grading and landscape changes, requires a separate permit from the City of Park City. The applicant shall obtain a permit from the City of Park City prior to the construction of the garage and shall be responsible for maintaining the track in accordance with the applicable rules and regulations of the City of Park City.
- 13-D fire workbooks are required for new construction as required by the Chief Building Official at the time of review of a building permit.
- Existing drainage and utility easement as shown on the Holiday Ranchettes Subdivision Plat.
- Additional information on Lots 30 and 31, including utilities, setbacks, easements, and other information, is available at the City of Park City, at 400 West 1000 South, 2nd Floor, and any other applicable information is available at the City of Park City, at 400 West 1000 South, 2nd Floor, and any other applicable information is available at the City of Park City prior to issuance of any permits for this work.

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____
 DATE _____ TIME _____ ENTRY NO. _____
 BY _____ REC'D _____



RE-ESTABLISHMENT OF THE ORIGINAL PLAT OF LOT 30 AND LOT 31, HOLIDAY RANCHETTES SUBDIVISION LOTS 30 & 31 HOLIDAY RANCHETTES

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

<p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12th OF MARCH, 2014</p> <p>BY <u>[Signature]</u> CHAIR</p>	<p>PLANNING COMMISSION APPROVAL AS TO FORM APPROVED AS TO FORM THIS DAY OF _____ 2015</p> <p>BY <u>[Signature]</u> PARK CITY ATTORNEY</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS 8th DAY OF MAY, 2014</p> <p>BY <u>[Signature]</u> MAYOR</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS 8th DAY OF MAY, 2014</p> <p>BY <u>[Signature]</u> REC'D _____</p>
<p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STAFF STANDARDS ON THIS 12th OF MARCH, 2015</p> <p>BY <u>[Signature]</u></p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS 12th OF MARCH, 2015</p> <p>BY <u>[Signature]</u> PARK CITY ENGINEER</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ BY _____ REC'D _____</p>	<p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS 12th OF MARCH, 2014</p> <p>BY <u>[Signature]</u> CHAIR</p>