

AN ORDINANCE APPROVING MORNING STAR ESTATES, FIRST AMENDED SUBDIVISION, AMENDING LOTS 9 AND 10, PARK CITY, UTAH.

WHEREAS, the owners of the properties located at 3776 and 3800 Rising Star Lane have 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 legal notice was published in the Park Record; and

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

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

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

WHEREAS, on September 1, 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 Morning Star Estates, First Amended Subdivision, Amending Lots 9 and 10.

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

SECTION 1. APPROVAL. Morning Star Estates, First Amended Subdivision, Amending Lots 9 and 10 as shown in Attachment 1 is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The property is located at 3776 and 3800 Rising Star Lane.
2. The property is comprised of two zones, a buildable area designated as Estate Zone and a non-buildable area designated as Recreation Open Space Zone.
3. The Morning Star Estate subdivision consists of similar lots with E regulated buildable areas surrounded by ROS zoning designations.
4. The subject property consists of Lots 9 and 10, of the Morning Star Estates Subdivision and "Exception Parcel 3".
5. The access to the site is through the E zone off Rising Star Lane.
6. The Morning Star Estates Subdivision consists of buildable pads within the Estate zone and all the building pads in the subdivision are surrounded by Recreation Open Space.

7. Lot 9 contains a single-family dwelling, built in 1995.
8. Lot 10 has a single family dwelling under construction, approved under building permit BD-15-22064 on 10/23/15.
9. In March 1993, the City Council approved the Morning Star Estates Subdivision which created 12 lots on 178.36 acres, four (4) "exception" parcels and one (1) Water Tank parcel.
10. The proposed Plat Amendment application is a request to reconfigure the platted building pad of Lot 10. Both owners of Lots 9 and 10 are requesting the removal of existing lot lines of "exception parcel 3" which crosses onto both lots and to add a lot line continuing between the two lots reaching the road (Rising Star Lane).
11. A single-family dwelling is an allowed use in the Estate District.
12. The minimum lot area for a single-family dwelling is 3 acres.
13. Existing Lot 9 contains 9.579 acres. The addition of the "Exception Parcel 3" proposes an increase to the lot totaling 9.618 acres.
14. Existing Lot 10 contains 11.543 acres. The addition of the "Exception Parcel 3" proposes an increase to the lot totaling 11.863.
15. The proposed lots meet the minimum lot area for single-family dwellings within the E District.
16. The plat amendment does not create additional density on the platted lots.
17. The minimum lot width allowed in the E District one hundred feet (100'). The width of Lot 9 is approximately 219 feet at the lowest width (due to oddly shaped lots).
18. The width of Lot 10 is approximately 320 feet at the lowest width (due to oddly shaped lots).
19. The proposed lots meet the minimum lot width required in the E District.
20. The E District does not restrict the Building Footprint.
21. The property owner of Lot 10 is also requesting a Zone Change concurrent with this application.
22. The proposed Plat Amendment directs complimentary development into an existing neighborhood.
23. The portion of land proposed to change from E to ROS has not been developed previously and still contains undisturbed native grasses and shrubs.

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. All Conditions of Approval of the existing plat continue to apply.
4. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
5. A ten foot public snow storage easement will be required along the front property line.

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

PASSED AND ADOPTED this 1st day of September, 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

