

Ordinance 2017-06

**AN ORDINANCE APPROVING THE AERIE PHASE ONE SUBDIVISION, SECOND AMENDMENT AMENDING LOTS 5 AND 6, LOCATED AT 1264 AND 1276 AERIE DRIVE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as 1264 and 1276 Aerie Drive have petitioned the City Council for approval of the Aerie Phase One Subdivision, Second Amendment amending Lots 5 and 6t; and

WHEREAS, on December 24, 2016 proper legal notice was posted in the Park Record posted according to the requirements of the Land Management Code; and

WHEREAS, on December 22, 2016 proper legal notice was sent to all affected property owners according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on January 11, 2017 to receive input on the proposed subdivision;

WHEREAS, on January 11, 2017 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 16, 2017 the City Council held a public hearing on the proposed The Aerie Phase One Subdivision, Second Amendment amending Lots 5 and; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed The Aerie Phase One Subdivision, Second Amendment amending Lots 5 and 6.

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 Aerie Phase One Subdivision, Second Amendment amending Lots 5 and 6, as shown in Exhibit A, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact:**

1. The Aerie Phase One Subdivision, Second Amendment amending Lots 5 and 6 is located within the Single Family (SF) District.
2. On November 20, 2016, the City received a complete application to amend the Aerie, Phase 1 Subdivision by combing lots 5 and 6.
3. Summit County recognizes 1264 Aerie Dr. as Parcel AER-5 and 1276 Aerie Drive as Parcel AER-6 (Tax IDs).
4. Currently Lot 5 holds a single family dwelling and Lot 6 is vacant.

5. An easement exists on Lots 5 and 6 which consists of a concrete driveway leading to 1156 Aerie Drive. This easement was recorded in 1983 as Entry No. 211399 in Book 274 Page 168. This easement will remain unchanged.
6. The existing Aerie Phase 1 Subdivision only had one note which referred to a settlement agreement recorded as Entry No. 179581
7. In 1997 a Lot Line Adjustment to modify Lots 10 and 11 was approved to create the Olch Replat.
8. The proposed plat amendment combines two (2) existing parcels to create one (1) lot of record consisting of 1.67 acres (72,863 square feet)
9. The proposed plat amendment will combine Lots 5 and 6, with current lot widths of 98 feet each, to create one (1) lot of record with a width of 196 feet.
10. Front yard setbacks in the SF district are 20 feet minimum, 25 feet for front facing garages.
11. Due to the lot bordering a street on both the back and front, per 15-4-17 both sides must have a front setback.
12. Side yard setbacks in the SF district are 12 feet minimum.
13. Height in the SF district is 28 ft. from existing grade. An additional 5' are granted for a gabled roof 4:12 or greater.
14. The property is not within the soils ordinance boundary. In the event that mine wastes or impacts are encountered, the applicant is responsible for handling the material properly.
15. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations, or any remnant parcels.
16. Any new structures must comply with applicable LMC requirements
17. The proposed plat amendment will not cause undo harm to adjacent property owners.

#### 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:

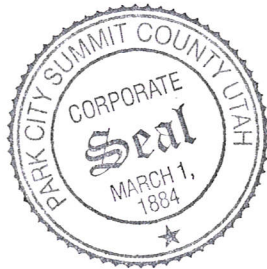
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within 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.

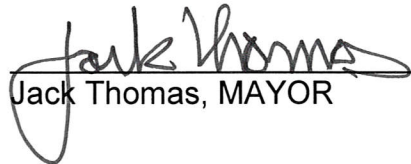
3. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final Mylar prior to recordation.
4. A 10 foot Public Snow Storage Easement will be required along both roads on the North and South side of the property.
5. Any land disturbances over 1.0 acres will require the applicant to abide by the City's storm water MS4 permit program.
6. All above ground utility infrastructures shall be located on the applicants property.

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

PASSED AND ADOPTED this 16<sup>th</sup> day of February, 2017

PARK CITY MUNICIPAL CORPORATION




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

ATTEST:

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

APPROVED AS TO FORM:

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

# Exhibit A - Proposed Plat

**Surveyor Certificate**  
 I, Paul Frey do hereby certify that I am a Professional Land Surveyor holding certificate No. 88378 as prescribed by the State of Utah and that I am duly sworn and qualified in the State of Utah. I have made a survey of the above described land and have thereon laid out the plat hereon shown and that the same has been correctly surveyed and marked on the ground as shown on this plat.



October 25, 2016

**Boundary Description**  
 All of Lots 4 and Lot 6 of the Aerie Phase 1 Subdivision as filed in the Office of the Summit County Recorder.

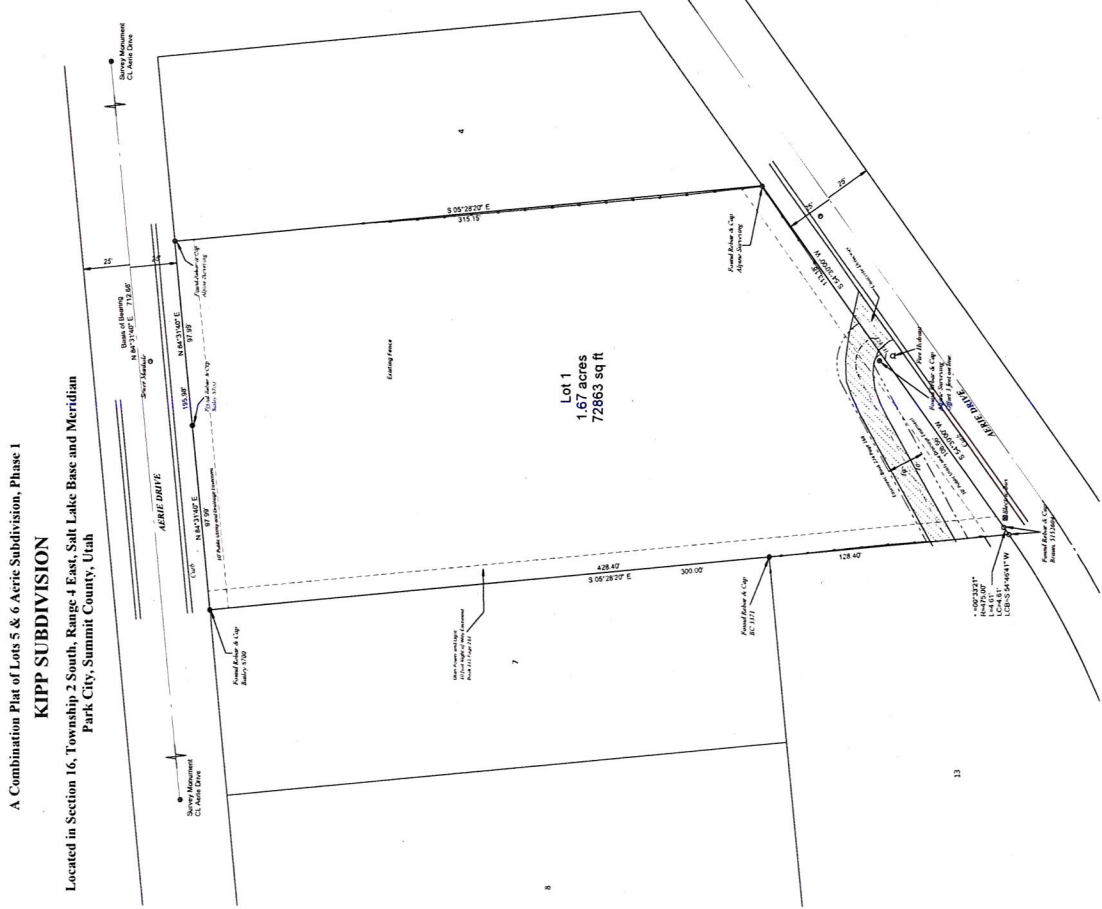


**Legend**

- River & City, Utah 2700
- River & City, Address
- River & City, Range 5126204
- Electric Box
- Existing Fence
- Gravelled Lane
- Public Utility and Damage Easement
- Concrete Driveway



**SITE LOCATION**



**Owner Dedication**  
 Known by all men by these presents that we, all of the undersigned owners of the above described tract of land, do hereby dedicate to the public use of the public at large the portion of that above tract that is indicated for public use in witness whereof, this day of \_\_\_\_\_, 2016.

**Acknowledgment**  
 STATE OF UTAH  
 COUNTY OF SUMMIT  
 Personally appeared before me this \_\_\_\_\_ day of \_\_\_\_\_, 2016, the following \_\_\_\_\_

**Consent to Record**  
 STATE OF UTAH  
 COUNTY OF SUMMIT  
 The undersigned land holder hereby consents to the recordation of this plat  
 By \_\_\_\_\_  
 My commission expires \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
 Recording in \_\_\_\_\_ County Public \_\_\_\_\_

**Consent to Record**  
 STATE OF UTAH  
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<p><b>CITY COUNCIL APPROVAL</b>                  Approved and Accepted by the Park City Council this _____ day of _____, 2016.                  Name _____ City Recorder (Name)</p>	<p><b>CITY PLANNING COMMISSION</b>                  Approved and accepted by the Park City Planning Commission this _____ day of _____, 2016.                  Chairman _____</p>	<p><b>CITY ENGINEER</b>                  I find this plat to be in accordance with information on file in my office this _____ day of _____, 2016.                  Park City Engineer _____</p>	<p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b>                  Approved and accepted by the Snyderville Basin Water Reclamation District this _____ day of _____, 2016.                  Park City Attorney _____</p>	<p><b>APPROVAL AS TO FORM</b>                  Approved as to form this _____ day of _____, 2016.                  Park City Attorney _____</p>	<p><b>COUNTY RECORDER</b>                  STATE OF UTAH                  COUNTY OF SUMMIT                  Recorded and filed at the request of _____                  Date _____                  Entry # _____                  Fee _____                  County Recorder _____</p>
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**HIGH MOUNTAIN SURVEYING, LLC**  
 P.O. Box 164  
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 Coalville, Utah 84017  
 435-358-8210