

Ordinance No. 2018-14

**AN ORDINANCE APPROVING THE PROSPECT PLACE PLAT AMENDMENT
LOCATED AT 86 PROSPECT STREET, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 86 Prospect Street has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on February 28, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on February 24, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on March 14, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on March 14, 2018, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 5, 2018, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 89 King Road Plat Amendment located at 86 Prospect Street.

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

SECTION 1. APPROVAL. The Prospect Place Plat Amendment, 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 86 Prospect Street.
2. The site consists of Lot 12 of Block 18 of the Park City Survey and a metes and bounds parcel 75 feet wide by 80 feet deep located south of and adjacent to Lot 12.
3. The property is in the Historic Residential (HR-1) District.
4. There is an existing non-historic structure with an accessory building approved as an art studio at this address.
5. On February 28, 2018, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on February 24, 2018, according to requirements of the Land Management Code.
6. The City received a Plat Amendment application for the Prospector Place Plat Amendment on February 8, 2018. The application was deemed complete on February 15, 2018.

7. The proposed plat amendment will create three lots, one at 2,002 square feet and two at 2,908 square feet in size.
8. Each of the proposed lots is of sufficient area for a single family house and not of sufficient area for a duplex.
9. Existing Lot 12 is 1994.20 square feet and has sufficient lot area for a single family house.
10. The metes and bounds parcel is 5,830 square feet and has sufficient area for a duplex. Duplexes require a Conditional Use Permit in the HR1 District.
11. The existing home was constructed in 1907 and has been altered in a manner that it is not on the Historic Sites Inventory.
12. The existing home is a single-family dwelling which is an allowed use in the HR-1 district.
13. There is an accessory structure on the property which was approved as an art studio in 1994.
14. There is a shed on the property which encroaches over the south property line and onto neighboring property.
15. The minimum lot area in this zone is 1,875 square feet. One of the proposed lots is 2,002 square feet in size and two are 2,908 square feet in size.
16. The minimum lot width in the HR-1 zone is 25 feet. The proposed lots meet this requirement with one lot 25 feet wide and two lots 36.3 feet wide.
17. The proposed lots will each be approximately 80 feet deep.
18. The minimum front yard setback is 12 feet. The existing house has a 4 foot front yard setback.
19. The minimum rear yard setback is 12 feet. The existing house has a 26 foot rear yard setback.
20. All three new lots will have a front and rear yard setback of 12 feet each and 25 feet total.
21. The minimum side yard setback is 10 feet on each side and 24 feet total. The existing house has a 27 foot side yard setback on the north side and a 23 foot side yard setback on the south side with a total of 56 feet on both sides.
22. The existing structure does not meet front yard setback requirements.
23. The maximum building footprint for a lot this size is 2,520.4 square feet. The existing footprint meets this standard at approximately 1,805 square feet.
24. The maximum building footprint is 894.49 square feet for the proposed Lot 1 and 1,234.8 square feet for the proposed Lots 2 and 3.
25. The existing structures will need to be removed before the plat is recorded.
26. A Historic District Design Review application is required for any new construction proposed at the existing site.
27. A Steep Slope Conditional Use Permit is required for any construction proposed on slopes greater than 30 percent according to the HR-1 requirements. Construction mitigation, including parking of construction vehicles, will need to be addressed with each building permit.
28. Prospect Street is a narrow steep street that can at times receive heavy snowfall. Snow storage easements along public streets allow the City to efficiently plow and clear streets.

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 lot combinations.
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 Planner, 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 and an extension is granted by the City Council.
3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. A 10 foot wide public snow storage easement along the frontage of Prospect Street is required and shall be provided on the plat.
5. Removal of existing structures that will create new non-complying setback situations with the new lot lines is a condition precedent to recordation of this plat amendment.
6. The encroaching shed shall be removed or relocated to resolve the encroachment prior to plat recordation.

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

PASSED AND ADOPTED this 5TH day of April, 2018.

PARK CITY MUNICIPAL CORPORATION




MAYOR ANDY BEERMAN

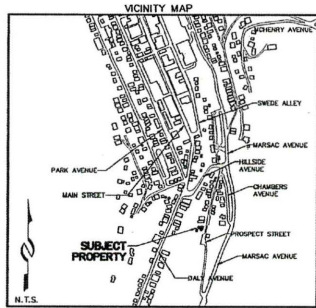
ATTEST:


City Recorder

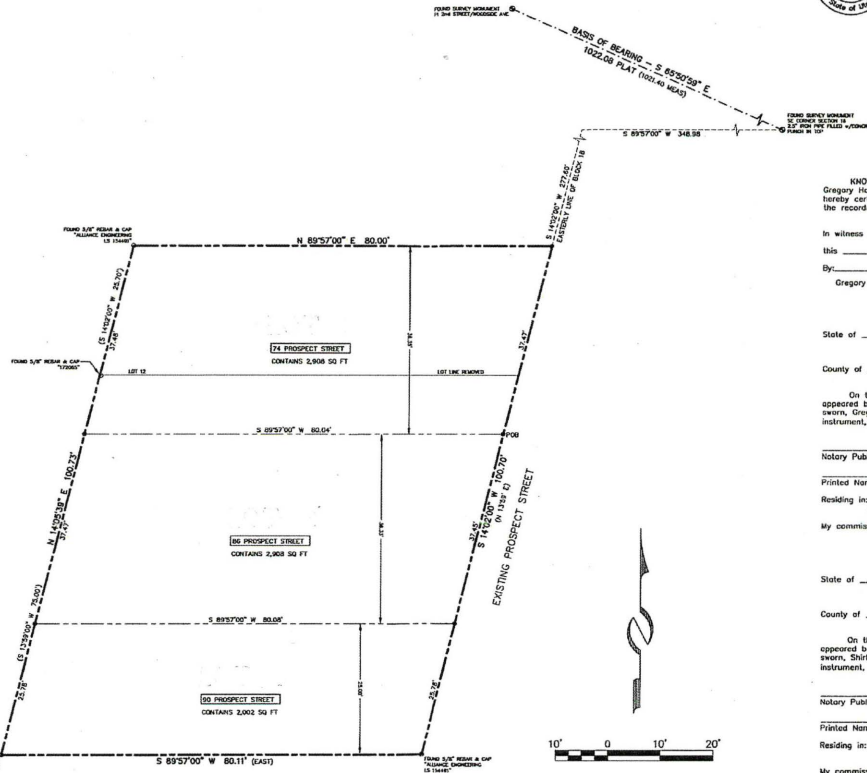
APPROVED AS TO FORM:


City Attorney

Exhibit A - Proposed Plat: Attachment 1



- LEGEND**
- Set 5/8" color w/cap "ALLIANCE ENGINEERS" (Other: red, blue)
 - Found Monument (As-Noted)
 - ⊙ Found Street Monument (As-Noted)



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 7248891, as prescribed by the laws of the State of Utah, and that by authority of the owners, PROSPECT PLACE PLAT AMENDMENT has been prepared under my direction and that the same has been monumented on the ground as shown on this plat. I further certify that the information on this plat is accurate.

LEGAL DESCRIPTION

Lot 12, Block 18, Park City Survey, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

Also, a tract of land beginning at a point West 355.35 feet and South 13'59" West 303.93 feet from the Northeast Corner of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, said point also being the Southeast corner of Lot 12, Block 18 Park City Survey, and running thence West 80.11 feet, South 13'59" West 75 feet; East 80.11 feet, North 13'59" East 75 feet to beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS THAT Gregory Harry Balch and Shirley Ann Acaya, trustees of the Gregory Harry Balch & Shirley Ann Acaya Living Trust, dated September 1988, and any amendments thereto, hereby certify that they have caused a plat to be made and this Plat to be prepared and hereby consent to the recordation of this Plat.

In witness whereof, the undersigned set his hand this ____ day of _____, 2018.
 By: Gregory Harry Balch, Trustee

In witness whereof, the undersigned set her hand this ____ day of _____, 2018.
 By: Shirley Ann Acaya, Trustee

ACKNOWLEDGMENT

State of _____ ss:
 County of _____

On this ____ day of _____, 2018, Gregory Harry Balch, Trustee, personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Gregory Harry Balch acknowledged to me that he is the person whose name is subscribed to this instrument, and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public
 Printed Name _____
 Residing in: _____
 My commission expires: _____

ACKNOWLEDGMENT

State of _____ ss:
 County of _____

On this ____ day of _____, 2018, Shirley Ann Acaya, Trustee, personally appeared before me, the undersigned Notary Public, in and for said state and county. Having been duly sworn, Shirley Ann Acaya acknowledged to me that she is the person whose name is subscribed to this instrument, and that she signed the above Owner's Dedication and Consent to Record freely and voluntarily.

Notary Public
 Printed Name _____
 Residing in: _____
 My commission expires: _____

NOTES

1. This plat amendment is subject to the Conditions of Approval in Ordinance 2018-____.
2. Record bearings and distances, when different from measured, are shown in parenthesis ().
3. See Record of Survey S-7901.



A LOT & PARCEL COMBINATION PLAT
 BLOCK 18, PARK CITY SURVEY
PROSPECT PLACE PLAT AMENDMENT

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



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
 REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS ____ DAY OF _____, 2018
 BY: S.B.W.R.D.

PLANNING COMMISSION
 APPROVED BY THE PARK CITY PLANNING COMMISSION THIS ____ DAY OF _____, 2018
 BY: _____ CHAIR

ENGINEER'S CERTIFICATE
 I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS ____ DAY OF _____, 2018
 BY: _____ PARK CITY ENGINEER

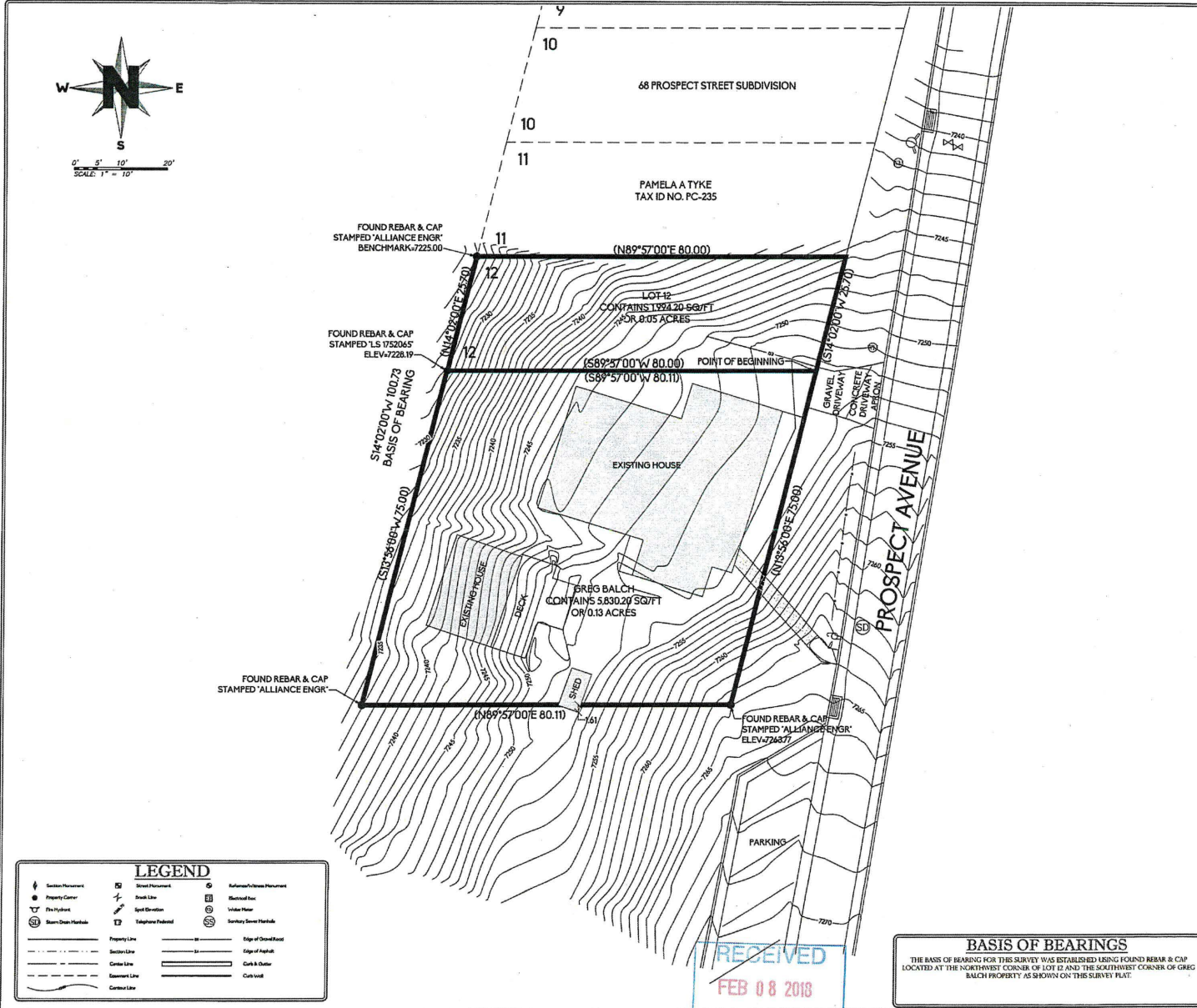
APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS ____ DAY OF _____, 2018
 BY: _____ PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS ____ DAY OF _____, 2018
 BY: _____ MAYOR

CERTIFICATE OF ATTEST
 I CERTIFY THIS PLAT MAP WAS APPROVED BY PARK CITY COUNCIL THIS ____ DAY OF _____, 2018
 BY: _____ PARK CITY RECORDER

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____
 FEE _____ RECORDED _____
 TIME _____ DATE _____ ENTRY NO. _____

Exhibit B - Survey



SURVEYOR'S CERTIFICATE

I, MICHAEL L. WANGEMANN, OF THE STATE OF UTAH, DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR AND THAT I HOLD LICENSE NO. 6431156 AS PRESCRIBED BY THE LAWS OF THE STATE OF UTAH AND THAT I HAVE MADE A SURVEY OF THE BOUNDARIES OF THE FOLLOWING DESCRIBED PROPERTY:

(SEE BELOW)

I FURTHER CERTIFY THAT THIS PLAT CORRECTLY SHOWS THE TRUE DIMENSIONS OF THE BOUNDARIES SURVEYED AND OF THE VISIBLE IMPROVEMENTS AFFECTING THE BOUNDARIES AND THEIR POSITION IN RELATIONSHIP TO SAID BOUNDARIES; THAT NONE OF THE VISIBLE IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY ENCRUMPS UPON ADJOINING PROPERTIES; AND THAT NO VISIBLE IMPROVEMENTS, ENCUMBRANCES OR EAVES OF ADJOINING PROPERTIES ENCRUMPS UPON THE SUBJECT PROPERTY EXCEPT AS SHOWN.

I ALSO FURTHER CERTIFY THAT THIS PLAT DOES NOT PURPORT TO DISCLOSE OVERLAPS, GAPS, OR BOUNDARY LINE DISCREPANCIES OF THE PROPERTY SURVEYED WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY OF THE ADJOINING PROPERTIES; NOR DOES IT PURPORT TO DISCLOSE OWNERSHIP OR CLAIMS OF EASEMENTS OR ENCUMBRANCES UPON THE PROPERTY SURVEYED.

Michael L. Wangemann

Michael L. Wangemann, PLS
 Date of Plat or Map: December 17, 2015
 PLS# 6431156-2201

LEGAL DESCRIPTION

LEGAL DESCRIPTION AS CONTAINED IN THAT CERTAIN WARRANTY DEED ENTRY NO. 9698, LOT 12, BLOCK 18, PARK CITY, UTAH, ACCORDING TO THE ORIGINAL PLAT THEREON FILED AND OF RECORD IN THE SUMMIT COUNTY RECORDS OFFICE.

ALSO THAT CERTAIN ONE STORY FRAME DWELLING HOUSE SITUATED ON ONTARIO RIDGE IN PARK CITY, COUNTY OF SUMMIT, STATE OF UTAH AND BEING DESIGNATED AND DESCRIBED AS NO. 86 ONTARIO RIDGE (ALSO KNOWN AS NO. 86 PROSPECT STREET) BEING THE HOUSE LAY SOUTH OF THAT RESIDENCE FORMERLY OWNED BY THOMAS WHITE AND HOUSE NORTH OF PREMISES FORMERLY OWNED BY MRS. DALNACAN (CRANFORD). THE SAID PREMISES HAVING BEEN CONVEYED TO WAYNE EPYATT AND GUY D. PRATT, HIS WIFE ON THE 8TH DAY OF OCTOBER, 1964, MURU HAIR AND PHYLIS Y. HAIR, HIS WIFE TO WHOM THE PROPERTY HAD BEEN CONVEYED BY DELLES JENSEN AND JESSE JENSEN, HIS WIFE, ON THE 6TH DAY OF AUGUST, A.D. 1946.

ALSO DESCRIBED AS BEGINNING WEST 3838 FEET AND SOUTH 09°59' WEST 3030 FEET FROM THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 2 SOUTH RANGE 4 EAST, S&T LAKE BASE AND MERIDIAN SAID PART ALSO BEING THE SOUTHEAST CORNER OF LOT 12, BLOCK 18, PARK CITY SURVEY; BEING THENCE WEST 804 FEET, SOUTH 09°59' WEST 75 FEET, EAST 804 FEET, NORTH 09°59' EAST 75 FEET TO BEGINNING.

ALSO ACCESS FROM THE EASTERLY PROPERTY LINE TO PROSPECT AVENUE.

UTILITY NOTE

THE UTILITY INFORMATION SHOWN ON THIS PLAT IS BASED ON ABOVE GROUND EXISTING STRUCTURES AS OBSERVED AND LOCATED BY THE SURVEYOR ON THE FIELD AS WELL AS INFORMATION PROVIDED TO THE SURVEYOR. NO FURTHER INVESTIGATION OF EXISTING UTILITIES WERE PERFORMED FOR THIS SURVEY. THEREFORE, THE SURVEYOR IS NOT RESPONSIBLE FOR THE REPRESENTATION OR OMISSION OR SUCH INFORMATION ON THIS PLAT. CONTACT BLUE STAR BEFORE ANY DIGGING, EXCAVATION OR CONSTRUCTION IS TO TAKE PLACE.

GENERAL NOTES

- ALL CORNERS SHOWN IN PINK THIS ARE RECORD INFORMATION TAKEN FROM DEED DESCRIPTION OR OFFICIAL MAPS OR PLATS OF RECORD. ALL OTHER CORNERS ARE THE RESULT OF ACTUAL FIELD MEASUREMENTS.
- ALL PROPERTY CORNERS ARE SET WITH 5" REBAR AND PLASTIC CAP STAMPED "UTAH LAND SURVEYING" OR OTHER PERMANENT MARKERS OR AS OTHERWISE STATED.

SHEET TITLE
 BOUNDARY SURVEY

PREPARED FOR
 GREG BALCH
 86 PROSPECT AVE
 PARK CITY, UT

LOCATION | S/LB&M

| REV | DATE | DESCRIPTION | DATE |
|-----|------|-------------|------------|
| 1 | | | 12/17/2015 |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |

SCALE: 1" = 10'
 DRAWN: MLW
 CHECKED: MLW

UTAH LAND SURVEYING, LLC
 A PROFESSIONAL LICENSED LAND SURVEYING COMPANY

1359 FAIRWAY CIR
 FARMINGTON, UT 84025
 PHONE 801.725.8395
 FAX 801.820.7775
 www.utahlandsurveying.com

JOB NUMBER
 1003-15

SHEET
 1 OF 1

BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY WAS ESTABLISHED USING FOUND REBAR & CAP LOCATED AT THE NORTHWEST CORNER OF LOT 12 AND THE SOUTHWEST CORNER OF GREG BALCH PROPERTY AS SHOWN ON THIS SURVEY PLAT.

RECEIVED
 FEB 08 2018
 PARK CITY PLANNING DEPT.