

Ordinance No. 2019-57

AN ORDINANCE APPROVING THE LITTLE MAGGIE SUBDIVISION LOCATED AT 57 AND 59 PROSPECT AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the properties located at 57 and 59 Prospect Avenue has petitioned the City Council for approval of the Subdivision Plat; and

WHEREAS, on October 26, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 30, 2019, 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 November 13, 2019, to receive input on the Subdivision Plat; and

WHEREAS, the Planning Commission, on November 13, 2019, forwarded a positive recommendation to the City Council; and,

WHEREAS, on December 5, 2019, the City Council held a public hearing to receive input on the Subdivision Plat; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Little Maggie Subdivision located at 57 and 59 Prospect Avenue.

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

SECTION 1. APPROVAL. The Little Maggie Subdivision, 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 subject property is located at 57 and 59 Prospect Avenue.
2. The Subdivision Plat application is a request to turn three (3) metes and bounds Parcels into two (2) Lots of record.
3. The property is in the Historic ReSidential (HR-1) District.
4. 57 and 59 Prospect Avenue are both individually listed as "Landmark" on the City's Historic Sites Inventory.
5. 57 Prospect Avenue (Parcel 1, PC-226) contains 1,989 square feet.
6. 59 Prospect Avenue (Parcel 2, PC-227) contains 4,071 square feet.
7. Parcel 3 (PC-S-46-B-3) contains 751 square feet.

8. The proposed Subdivision Plat combines the property into two (2) Lots: Lot 1 which includes Parcel 1 (57 Prospect Avenue) contains 1,989 square feet. Lot 2 which combines Parcel 2 (59 Prospect Avenue) and Parcel 3 contains 4,822 square feet.
9. The minimum Lot area for a single-family dwelling is 1,875 square feet in the HR-1 zone. The proposed Lots meet the minimum lot area for single-family dwellings.
10. A single-family dwelling is an allowed use in the District.
11. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. Lot 1 is 26'-3" and Lot 2 is 54'-1". The proposed Lot widths meet the minimum width.
12. LMC § 15-2.2-4 states historic structures that do not comply with building Setbacks are valid complying structures.
13. The minimum Front/Rear Setbacks are 10 feet (10'); the minimum total Front plus Rear Setbacks are twenty feet (20'). Lot 1 (57 Prospect Avenue) of the proposed Subdivision Plat has a Front Setback of 16 feet and a Rear Setback of 30 feet. Lot 2 (59 Prospect Avenue) has a Front Setback of 11'-6" (with a 6'-10" wide bay window projecting 2'-2" into the Setback) and a Rear Setback of 11'-6".
14. The minimum Side Setback for proposed Lot 1 is 3 feet for a total of 6 feet.
15. The minimum Side Setback for proposed Lot 2 is 5 feet for a total of 14 feet.
16. On proposed Lot 1, there is a gravel parking area in the Front Setback. The stone retaining wall in the Front Setback encroaches into the City Right-of-Way. On the north, there are railroad tie retaining walls and a wood walkway that encroach into the neighboring property of 51 Prospect Avenue. The south Side of the Historic Structure encroaches into the Side Setback, as well as the wood deck off the Front entrance that is more than 30" above grade.
17. On the Front corner of proposed Lot 1 and Lot 2 there is a stone retaining wall that crosses over property lines and encroaches into the City Right-of-Way.
18. On proposed Lot 2, there is an asphalt and gravel parking area that encroaches into the south property line into the City Right-of-Way. The gravel parking area also encroaches into the property to the south. The stone retaining wall that borders the west (Front) property line and south (Side) of the Historic Structure are taller than 4' height in the Front Setback.
19. All gravel parking areas do not comply with LMC § 15-3-3(B) as they are not hard surfaced.
20. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. There is good cause for this Subdivision Plat.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
4. Approval of the Subdivision Plat, 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 Subdivision 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 existing gravel parking area at 57 Prospect Avenue shall be removed prior to recordation of this Subdivision Plat.
4. The applicant shall resolve the existing retaining wall encroachment within the Front Setback at 57 Prospect Avenue prior to recordation of this Subdivision Plat by removing the retaining walls, relocating them within property lines or by entering into an encroachment agreement with the City.
5. The encroachment of the existing railroad tie retaining walls and wood walkway must be resolved with the neighboring property at 51 Prospect Avenue as the retaining walls and wood walkway encroach over the north property line into their property. The encroachment shall be resolved by removing the retaining walls and wood walkway, relocating them within property lines, or by entering in to an encroachment agreement with the affected property owner(s).
6. The existing asphalt and gravel parking areas at 59 Prospect Avenue encroach into the Right-of-Way and encroach to the south into the Prospect Heights Subdivision. The applicant shall remove these parking areas.
7. Per LMC § 15-3-3(B) Parking Areas and driveways must be Hard-Surfaced, impervious, maintained in good condition, and clear of obstructions at all times. All gravel parking areas shall be removed prior to recordation of this Subdivision Plat.
8. Per LMC § 15-4-2(A) Fences and retaining walls within any Front Setback shall not exceed four feet (4') from final grade. If the existing retaining walls are removed or improved, the height may exceed four feet (4') from final grade, subject to approval by the Planning Director and City Engineer, and may exceed six feet (6') in height subject to approval of an Administrative Conditional Use permit.

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

PASSED AND ADOPTED this 5th day of December, 2019.

PARK CITY MUNICIPAL CORPORATION



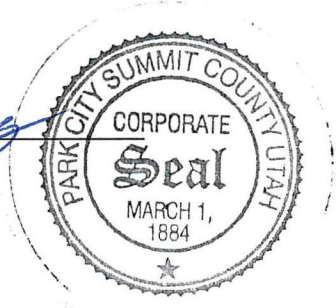
Andy Beerman, MAYOR

12/18/19

Date

ATTEST:

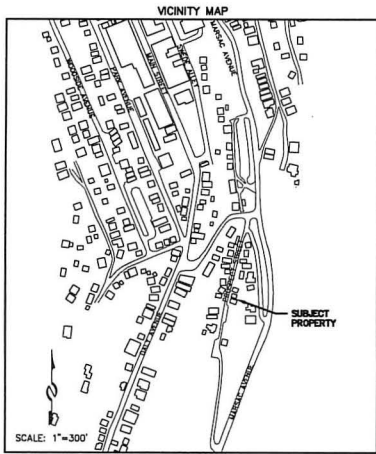
Michelle Kellogg
City Recorder



APPROVED AS TO FORM:

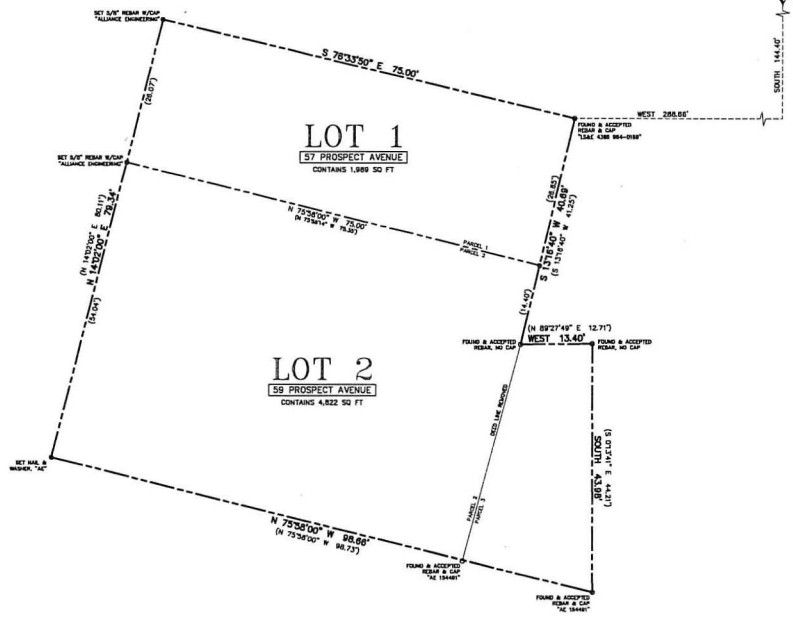
Mark Harrington
Mark Harrington, City Attorney

Attachment 1 – Proposed Plat



NOTES

1. This subdivision plot is subject to the Conditions of Approval in Ordinance 2020-_____.
2. See Record of Survey 5-_____ in the Office of the Recorder, Summit County, Utah.
3. Measured bearings and distances, when different from record, are shown in parentheses ().



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 724899, as prescribed under the laws of the State of Utah. I further certify that by authority of the owners, I have made a survey of the tract of land shown and described herein, hereafter to be known as LITTLE MAGGIE SUBDIVISION and that the same has been correctly surveyed and monumented on the ground as shown on this plan.

LEGAL DESCRIPTION

PARCEL 1
Beginning at a point South 89°37' West along the section line 330.00 feet and South 14°02' West 131.30 feet from the northeast corner of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 78°33'50" East 75.00 feet; thence South 14°02' West 28.48 feet; thence North 73°28' West 73.00 feet; thence North 14°02' East 23.70 feet to the point of beginning.

PARCEL 2
Beginning at a point South 89°37' West along the section line 330.00 feet and South 14°02' West 137.00 feet from the northeast corner of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 77°36' East 73.00 feet; thence South 14°02' West 33.84 feet; thence North 73°28' West 73.00 feet; thence North 14°02' East 53.84 feet to the point of beginning.

PARCEL 3
A portion of land situated in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:
Beginning at the northeast corner of Lot 2, Qualla Subdivision, which point is South 184.57 feet and West 283.38 feet of the southeast corner of Section 16, Township 2 South, Range 4 East, thence West 12.40 feet more or less to a point on the east line of that certain parcel described in a Warranty Deed recorded September 20, 1978, in City No. 123750, in Book 54, of Page 204; thence along said east line, South 14°02'00" West 38.43 more or less to the north line of Lot 2 Prospect Heights Subdivision; thence along said north line, South 73°28'00" East 23.88 feet more or less to the east line of Qualla Subdivision; thence North along said east line, 43.98 feet more or less to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY WHOM THESE PRESENTS THAT KIM F. MARKE and MARGARET D. MARKE, the undersigned owners of the Parcel 1, do hereby certify that they have caused this plan to be prepared, and do hereby consent to the recordation of this plan.

In witness whereof, the undersigned set their hands this _____ day of _____, 2020.

By: Kim F. Marke _____

By: Margaret D. Marke _____

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss.

On this _____ day of _____, 2020, Kim F. Marke personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by my duly sworn/affirmed, that he acknowledged to me that he executed LITTLE MAGGIE SUBDIVISION.

By: Notary Public _____

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No. _____

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss.

On this _____ day of _____, 2020, Margaret D. Marke personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by my duly sworn/affirmed, that she acknowledged to me that she executed LITTLE MAGGIE SUBDIVISION.

By: Notary Public _____

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No. _____

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY WHOM THESE PRESENTS THAT KIM MARKE, the undersigned owner of the Parcel 2 and 3, does hereby certify that he has caused this plan to be prepared, and does hereby consent to the recordation of this plan.

In witness whereof, the undersigned set his hand this _____ day of _____, 2020.

By: Kim Marke _____

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) ss.

On this _____ day of _____, 2020, Kim Marke personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by my duly sworn/affirmed, that he acknowledged to me that he executed LITTLE MAGGIE SUBDIVISION.

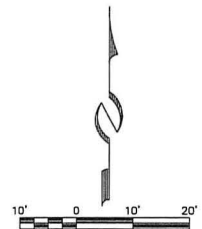
By: Notary Public _____

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No. _____



LITTLE MAGGIE SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH

<p>PUBLIC SAFETY ANSWERING POINT APPROVAL APPROVED THIS _____ DAY OF _____, 2020 BY _____ SUMMIT COUNTY GIS COORDINATOR</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2020 BY _____ S.B.W.R.D.</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2019 BY _____ CHAIR</p>	<p>ENGINEER'S CERTIFICATE I FIND THIS PLAN TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2020 BY _____ PARK CITY ENGINEER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2020 BY _____ PARK CITY ATTORNEY</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2020 BY _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2020 BY _____ PARK CITY RECORDER</p>	<p>RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDED _____ TIME _____ DATE _____ ENTRY NO. _____</p>
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57 & 59 PROSPECT STREET SURVEY

LOCATED IN THE NORTHEAST QUARTER OF SECTION 21,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY-SUMMIT COUNTY, UTAH

FOUND BRASS CAP MONUMENT
1 1/4" DIA. SECTION 14
7.2" R.A.C. 12.88M

FOUND METAL PIPE WITH CONCRETE
2" DIA. SECTION 18
7.2" R.A.C. 12.88M

FOUND METAL PIPE WITH CONCRETE
2" DIA. SECTION 18
7.2" R.A.C. 12.88M



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. I further certify that under my direct supervision a survey has been performed on the herein described property and that to the best of my knowledge this plot is a correct representation of said survey.

LEGAL DESCRIPTION

PARCEL 1
 BEGINNING at a point South 89°57' West along the section line 350.00 feet and South 14°07' West 131.00 feet from the Northeast Corner of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 78°35'00" East 75.00 feet; thence South 14°07' West 26.48 feet; thence North 75°00' West 75.00 feet; thence North 14°07' East 25.70 feet to the point of BEGINNING.
 (TAX PARCEL PC-126)

PARCEL 2
 BEGINNING at a point South 89°57' West along the Section Line 350.00 feet and South 14°07' West 157.00 feet from the Northeast Corner of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 75°50' East 75.00 feet; thence South 14°07' West 53.64 feet; thence North 75°00' West 75.00 feet; thence North 14°07' East 53.64 feet to the point of BEGINNING.
 (TAX PARCEL PC-227)

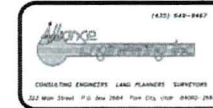
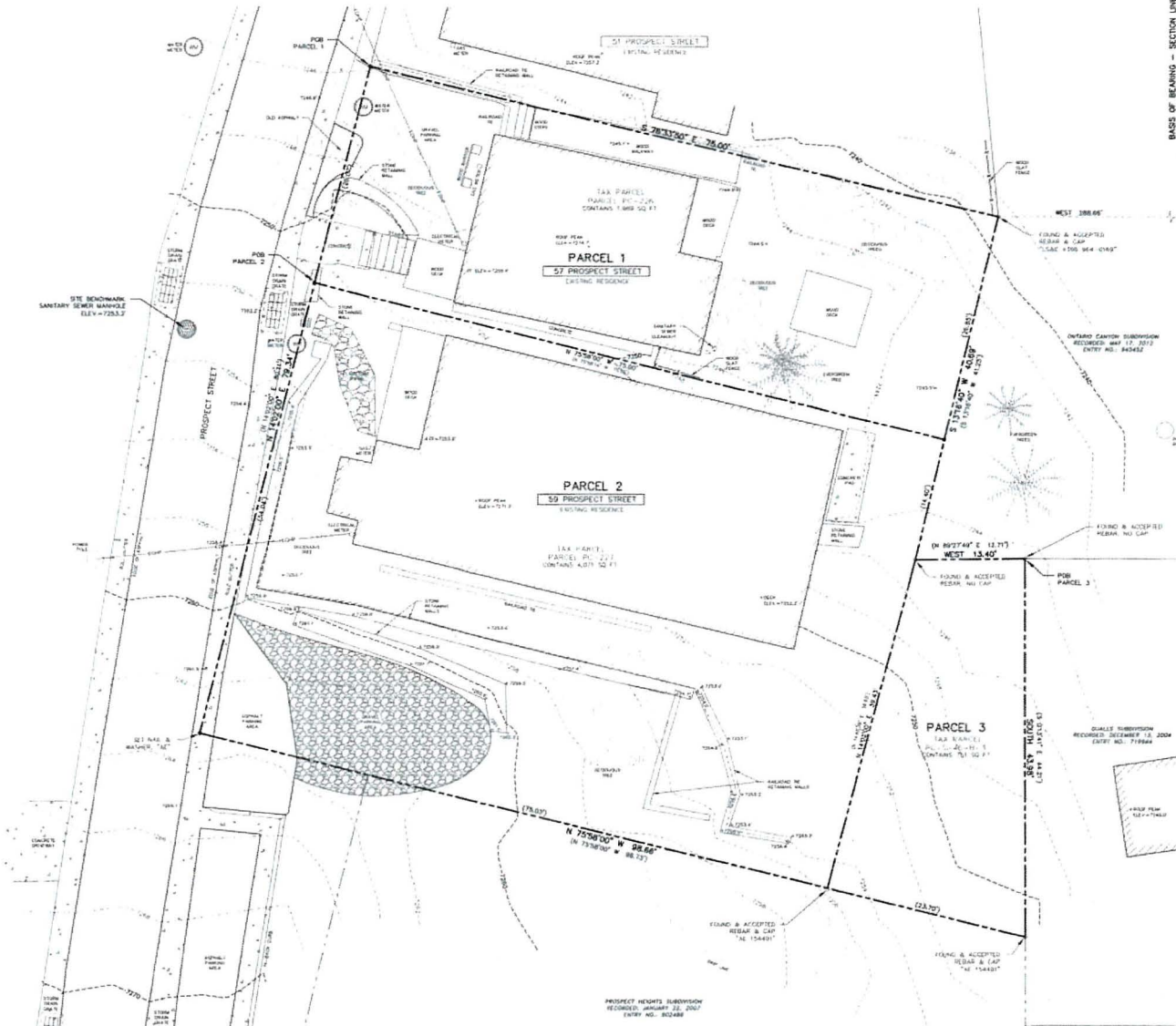
PARCEL 3
 A parcel of land situated in the northeast quarter of Section 21, Township 2 South, Range 4 East, Salt Lake Base and Meridian, more particularly described as follows:
 BEGINNING at the northeast corner of Lot 2, Quail Subdivision, which point is South 184.57 feet and West 285.30 feet of the southeast corner of Section 16, Township 2 South, Range 4 East, thence West 15.40 feet more or less to a point on the east line of that certain parcel described in a plat recorded September 26, 1994, as Entry No. 133700, as Block BA, of Page 554, thence along said east line, South 14°02'00" West 58.43 more or less to the north line of Lot 2, Prospect Heights Subdivision, thence along said north line, South 75°50'00" East 23.69 feet more or less to the west line of Quail Subdivision, thence north along said west line, 43.88 feet more or less to the point of BEGINNING.
 (TAX PARCEL PC-S-44-B-5)

NARRATIVE

1. Basis of Bearing for this survey is between the found section monuments as shown on this plot.
2. Field work for this survey was completed July 31, 2019, and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to perform an Existing Conditions and Topography survey for the possibility of future improvements to the property.
4. A Title Report was not provided to the surveyor and no easements or setbacks were located as part of this survey. This owner of the property should be aware of any items affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of easements, encroachments or encumbrances on the property surveyed except as shown hereon.
5. County tax maps, recorded deeds, Prospect Heights Subdivision Plot, Quail Subdivision Plot, Ontario Canyon Subdivision Plot (all aforementioned documents on file and of record in the Summit County Recorder's Office), and physical evidence found in the field were used to determine the boundary as shown on this plot.
6. Site Benchmark: Sanitary Sewer Manhole, Deviation=7253.2' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were set or found as shown.
9. Measured bearings and distances, when different from record, are shown in parenthesis ()

LEGEND

- Set 5/8" rebar w/ cap
- "ALLIANCE ENGINEERING"
- (Unless noted otherwise)
- Found Monument
- (As-Noted)
- ⬆ Found Section Monument
- (As-Noted)



(435) 840-2467
STAFF:
 CHARLES GALATI
 JASON WITNE
 RYAN BETZ
 SAM GALATI
 DUSTIN CARRISH

EXISTING CONDITIONS & TOPOGRAPHIC MAP
57 & 59 PROSPECT STREET
PARCELS PC-226, PC-227 & PC-S-46-B-3
FOR: KIM MARKS
JOB NO.: 4-6-19
DATE: 8/23/19

SHEET
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OF
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