

**Ordinance No. 2023-29**

**AN ORDINANCE APPROVING THE EAGLE WAY SECOND AMENDED PLAT AMENDMENT, LOCATED AT 1460 EAGLE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 1460 Eagle Way petitioned the City Council for approval of The Eagle Way Second Amended Plat Amendment; and

WHEREAS, on April 22, 2023, notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on April 26, 2023, courtesy notice was mailed to property owners within 300 feet of 517 Park Avenue; and

WHEREAS, on May 10, 2023, the Planning Commission reviewed the application and held a public hearing; and

WHEREAS, the Planning Commission determined there is Good Cause for this Plat Amendment because the increase to 1460 Eagle Way (Lot B) and Estate Lot 1 is consistent with the surrounding neighborhood, it is consistent with Park City's General Plan, the owner does not request exceptions to the Land Management Code, and the Plat Amendment does not create any non-conformities; and

WHEREAS, on May 10, 2023, the Planning Commission forwarded a positive recommendation for City Council's consideration on June 15, 2023; and

WHEREAS, on June 15, 2023, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management code including § 15-7.1-3(B), § 15-12-15(B)(9), and Chapters 15-2.10 and 15-2.11.

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

**SECTION 1. APPROVAL.** The Eagle Way Second Amended Plat Amendment, located at 1460 Eagle Way, as shown in Attachment 1, is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

**Findings of Fact**

***Background:***

1. The property is located at 1460 Eagle Way.
2. The property is listed with Summit County as Parcel number EW-B-1AM.
3. The property is in the Single-Family Zoning District.
4. The Applicant owns contiguous property in the Estate Zoning District, Estate Lot 1 and metes-and-bounds Parcel SA-254-2-C.

5. The Applicant proposes amending the plat to increase the size of 1460 Eagle Way (Lot B) to accommodate a garage addition, create an open space buffer between Lot B and Estate Lot 1, and to combine Estate Lot 1 with the metes-and-bounds Parcel.
6. The Land Management Code regulates Lot and Site Requirements pursuant to LMC § 15-2.10-3 for Estate Zoning District and § 15-2.11-3 for Single Family Zoning District.
7. A Single-Family Dwelling is an allowed Use in the Single-Family, and also in the Estate Zoning District for Lots with at least three acres.
8. The required Front Setback in the Single-Family District is 20 feet.
9. The required Side Setback in the Single-Family District is 12 feet.
10. The required Rear Setback in the Single-Family District is 15 feet.
11. The required Front, Rear, and Side Setback in the Estate District is 30 feet.
12. The maximum Building Height in the Single-Family Zoning District is 28 feet from Existing Grade.
13. The maximum Building Height in the Estate Zoning District is 30 from Existing Grade.
14. The proposed addition is 48 feet by 36 feet.
15. The proposed addition is 25 feet tall.
16. The property is within the Sensitive Land Overlay.
17. The Applicant's Representative compiled a Sensitive Land Overlay Report.
18. The proposal complies with the Sensitive Land Overlay Zone Regulations.
19. The Planning Commission must determine Good Cause for this Plat Amendment.
20. No Public Street or Right-of-Way is vacated or amended.
21. No easement is vacated.
22. A 10-foot-wide public utility easement exists along the perimeter of Lot B and must be maintained.
23. The Development Review Committee met on March 7, 2023, reviewed the proposal, and require a Condition of Approval for a 10-foot snow storage easement along Eagle Way.
24. The total Area of very steep slope where the proposed addition will be constructed is 124 square feet.
25. The Planning Commission determined there is Good Cause for this Plat Amendment because the increase to 1460 Eagle Way (Lot B) and Estate Lot 1 is consistent with the surrounding neighborhood, it is consistent with Park City's General Plan, the owner does not request exceptions to the Land Management Code, and the Plat Amendment does not create any non-conformities.

### **Conclusions of Law**

1. The Plat Amendment is consistent with the Park City Land Management Code, including LMC Chapter 15-2.10 *Estate (E) District*, LMC Chapter 15-2.11 *Single-Family (SF) District*, LMC Chapter 15-2.21 *Sensitive Land Overlay Zone (SLO) Regulations*, and LMC § 15-7.1-6 *Final Subdivision Plat*.

2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. 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**

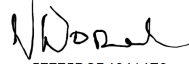
1. The City Planner, City Attorney, and City Engineer will review and approve the final form and content of the Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The Applicant shall record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this Plat approval 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 plat shall note that fire sprinklers are required for all new construction.
4. Any addition to the existing Structure in the Single-Family or the Estate Zone shall be limited to the Single-Family Zoning District's maximum Building Height of 28 feet from Existing Grade.
5. Any addition to the Structure in the Estate Zone shall comply with the 30-foot setback requirement.
6. The Applicant shall avoid, or to the greatest extent possible, minimize proposed cuts and fills. All Graded slopes shall be recontoured to the natural, varied contour of surrounding terrain.
7. If final plans show the introduction of new retaining walls, then the Use, design, and construction of all retaining walls is subject to an Administrative Permit based upon assessment of visual impact, Compatibility with surrounding terrain and vegetation, and safety.
8. The Applicant shall provide a landscape plan pursuant to LMC § 15-5-5(N)(4)(i)(1-4), which requires preservation of Significant Vegetation. If Significant Vegetation is determined to be unhealthy and/or unsafe, under a Site-Specific review conducted by the Forestry Board and Planning Director in conjunction with a building permit review, it may be replaced with similar species that are compliant with the Land Management Code's Water Wise plant list.
9. Construction shall be organized and timed to minimize disturbance of Sensitive or Specially Valued Species occupying or using on-Site and adjacent natural Areas.
10. The Applicant shall amend the 10-foot (10') public utility easement prior to recordation of the plat.
11. A non-exclusive ten-foot (10') public snow storage easement on Eagle Way shall be dedicated on the Plat.
12. Recordation of the Plat is required prior to the issuance of a Building Permit for any addition to the existing Structure.
13. City Engineer review and approve all Lot grading, utility installation, public improvement, and drainage plans for compliance with City standards prior to issuance of any building permits.

14. Any development on the 9.34 acres Estate Lot 1 requires additional Sensitive Lands analysis.



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

PASSED AND ADOPTED this 15<sup>th</sup> day of June, 2023.

PARK CITY MUNICIPAL CORPORATION

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Nann Worel, MAYOR

ATTEST:

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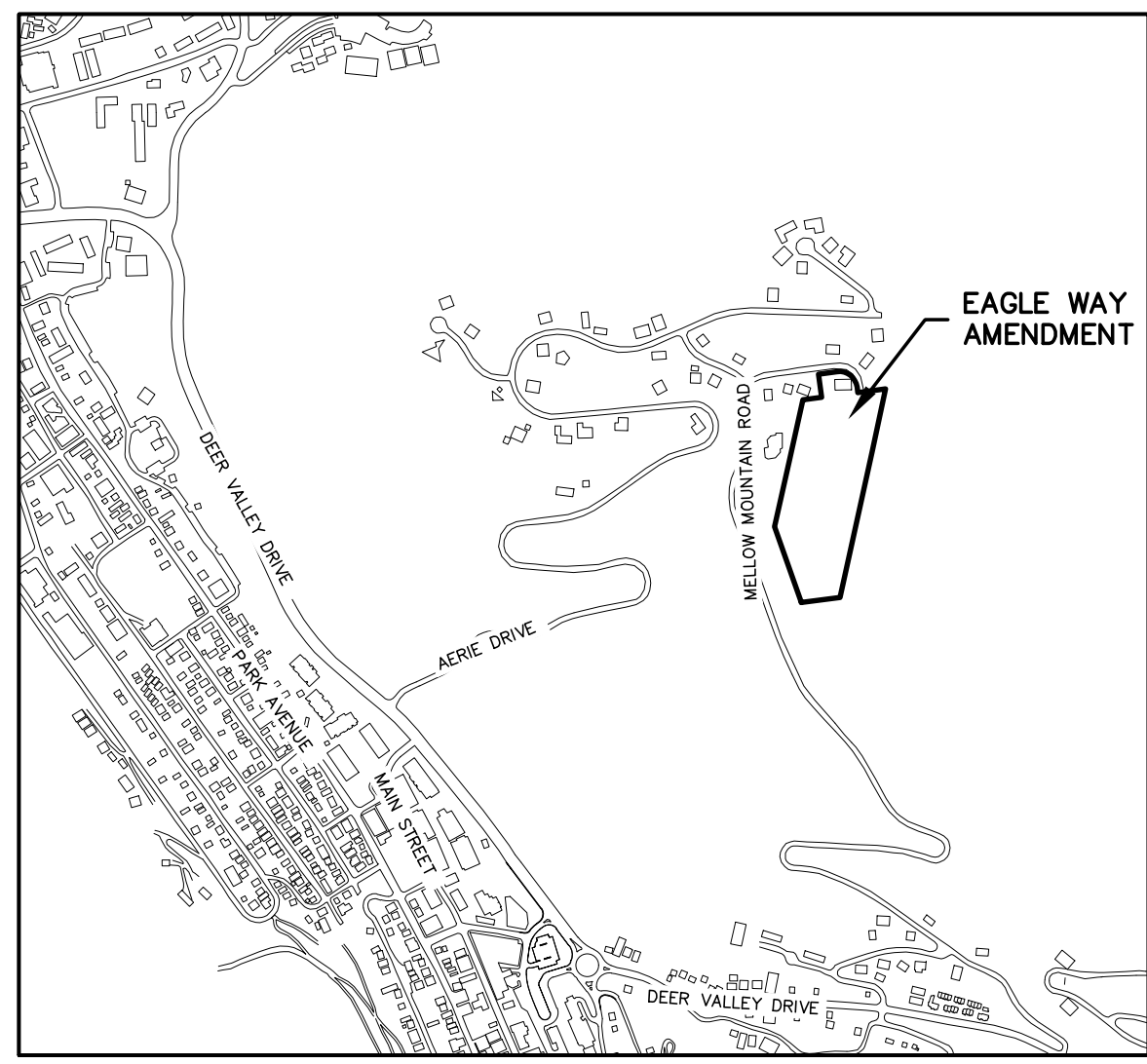
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City Recorder

APPROVED AS TO FORM:

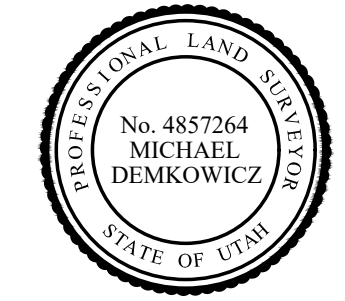
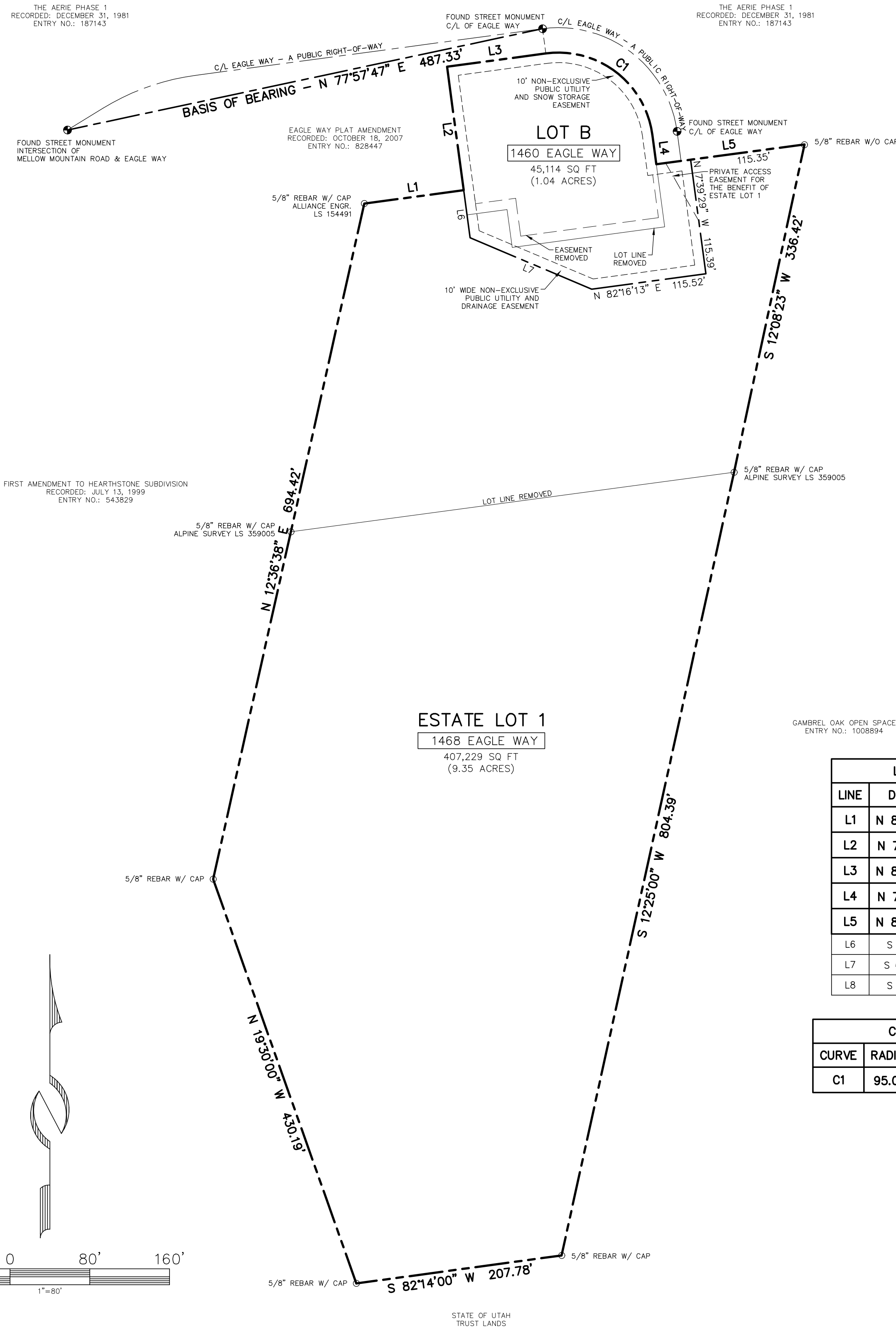
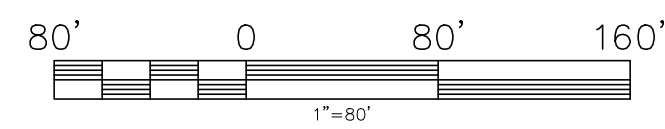
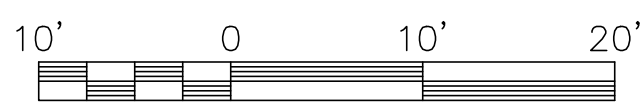
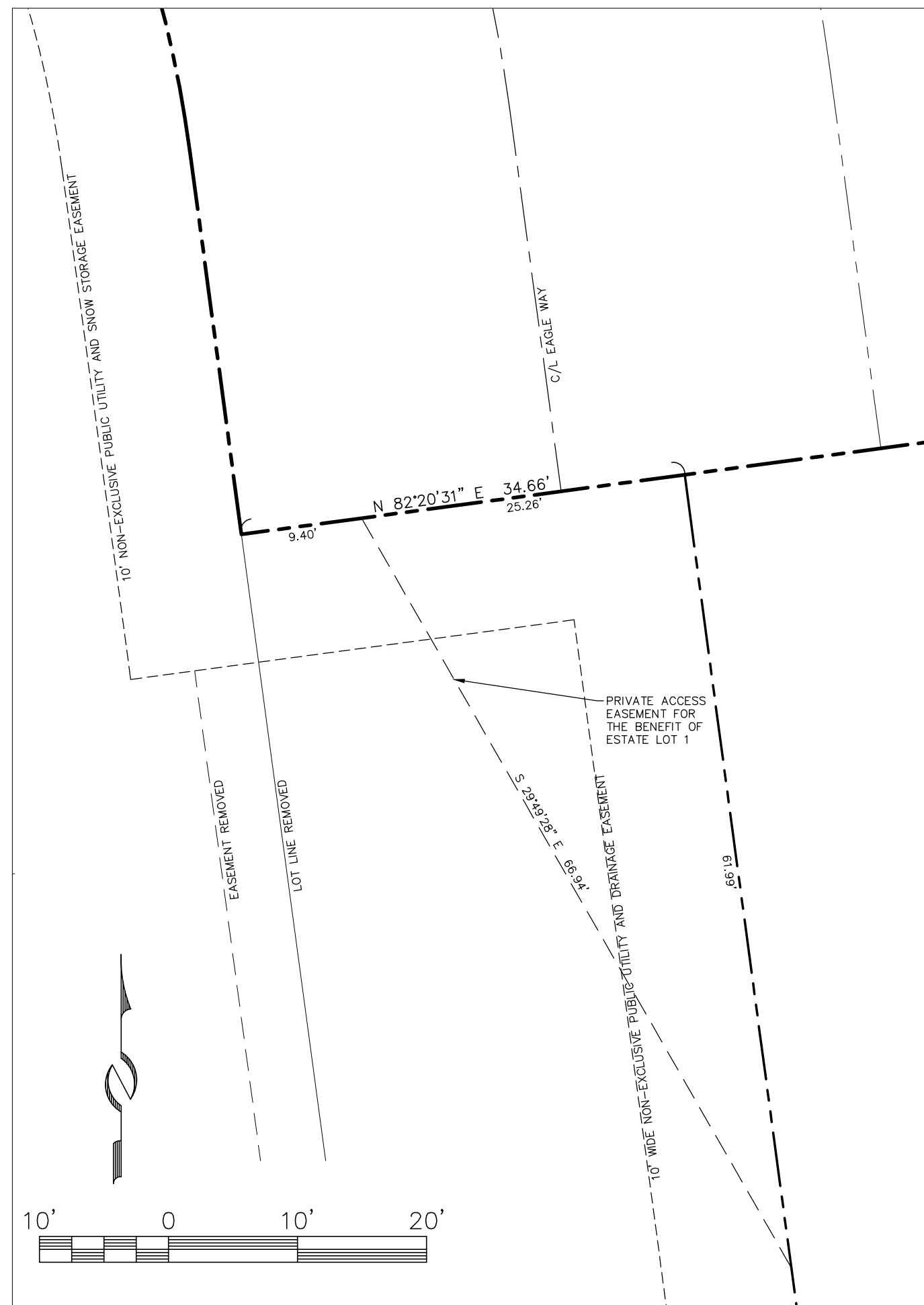
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City Attorney's Office

**Attachment 1 – Proposed Plat**



VICINITY MAP



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor in the State of Utah and that I hold License No. 4857264 in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act. I further certify that I have completed a survey and have referenced a record of survey map of the existing property boundaries in accordance with Section 17-23-17 and have verified the boundary locations and have placed monuments as represented on the plat. I do further certify that by authority of the owners, I have prepared this plat amendment of the property described hereon, hereafter to be known as EAGLE WAY PLAT AMENDMENT SECOND AMENDED.

LEGAL DESCRIPTION

PARCEL 1: Estate Lot 1, FIRST AMENDMENT LOT B OF EAGLE WAY PLAT AMENDMENT, according to the official plat on file in the Summit County Recorders Office.
PARCEL 2: Lot B Amended, FIRST AMENDMENT LOT B OF EAGLE WAY PLAT AMENDMENT, according to the official plat on file in the Summit County Recorders Office.
PARCEL 3: Beginning at Lode Claim Corner No. 4 of the Garey No. 1 Claim, Uintah Mining District, Summit County, said point (corner) being situated 557.06 feet South and 565.39 feet East of the southwest closing corner of Section 10, Township 2 South, Range 4 East, Salt Lake Base and Meridian; and running thence South 82°14' West 207.84 feet; thence North 19°30' West 430.19 feet; thence North 12°36'38" East 357.02 feet; thence North 82°20'31" East 448.55 feet; thence South 12°25' west 804.42 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that, Karen C. Marriott, as Trustee of the Karen C. Marriott Revocable Trust, dated December 11, 2012, hereby certifies that she has caused this plat amendment to be made, together with easements as set forth to be hereafter known as EAGLE WAY PLAT AMENDMENT SECOND AMENDED. The undersigned owner hereby conveys to any and all public utility companies a perpetual, non-exclusive easement over any public utility easements shown on this plat amendment, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owner also hereby conveys any other easements as shown on this plat to the parties indicated and for the purposes shown hereon.

In witness whereof, the undersigned set her hand this \_\_\_\_ day of \_\_\_\_\_, 2023.

Karen C. Marriott Revocable Trust, dated December 11, 2012

By: \_\_\_\_\_
Karen C. Marriott, Trustee

ACKNOWLEDGMENT

State of \_\_\_\_\_
County of \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 2023, Karen C. Marriott personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is the Trustee of the Karen C. Marriott Revocable Trust, dated December 11, 2012, and that said document was signed by her on behalf of said Trust by authority of the Trust, and she acknowledged to me that she executed EAGLE WAY PLAT AMENDMENT SECOND AMENDED.

By: \_\_\_\_\_
Notary Public
Printed Name \_\_\_\_\_
Residing in: \_\_\_\_\_
My commission expires: \_\_\_\_\_
Commission No: \_\_\_\_\_

NOTES

- 1. This plat amendment is subject to the Conditions of Approval in Ordinance 2023-\_\_\_\_\_.
2. See Record of Survey S-\_\_\_\_\_ in the Office of the Recorder, Summit County, Utah.

THIS PLAT SUPERSEDES FIRST AMENDMENT LOT B OF EAGLE WAY PLAT AMENDMENT, RECORDED OCTOBER 18, 2007, AS ENTRY NO. 828447.

EAGLE WAY PLAT AMENDMENT SECOND AMENDED

LOCATED IN THE NORTHWEST QUARTER OF SECTION 15 AND THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN PARK CITY, SUMMIT COUNTY, UTAH

Alliance Engineering Inc. CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2664 Park City, Utah 84060-2664 (435) 649-9467

Table with 8 columns: SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PLANNING COMMISSION, ENGINEER'S CERTIFICATE, APPROVAL AS TO FORM, COUNCIL APPROVAL AND ACCEPTANCE, CERTIFICATE OF ATTEST, PUBLIC SAFETY ANSWERING POINT APPROVAL, and RECORDED. Each column contains fields for review, recommendation, certification, approval, and recording details.