

Ordinance No. 10-07

AN ORDINANCE APPROVING THE EXTENSION OF 68 PROSPECT STREET REPLAT, AN AMENDMENT TO LOTS 8, 9, AND 10 OF BLOCK 18 OF THE PARK CITY SURVEY, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 68 Prospect Street 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

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

WHEREAS, the Planning Commission held a public hearing on October 25, 2006 to receive input on the Plat Amendment and forwarded a positive recommendation to the City Council on November 8, 2006; and,

WHEREAS, on December 14, 2006, the City Council approved the 68 Prospect Street Replat; and

WHEREAS, on December 6, 2007, the City Council approved a one year extension for the approved 68 Prospect Street Replat; and

WHEREAS, on December 4, 2008, the City Council approved an additional year extension for the approved 68 Prospect Street Replat; and

WHEREAS, the City Council held a public hearing on February 25, 2010 to receive input on the Extension of 68 Prospect Street Replat;

WHEREAS, on February 25, 2010, the City Council approved an additional year extension for the approved 68 Prospect Street Replat; and

WHEREAS the 68 Prospect Street Replat will allow the consolidation of three lots into two lots within the same exterior boundary.

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 68 Prospect Street Replat, 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 68 Prospect Street.
2. The zoning is Historic Residential (HR-1)
3. The surrounding land use patterns are single family homes, most of them small in size on single, or combinations of typical Old Town lots.
4. The current configuration of lots is three equal sized lots measuring 25.7' x 80'.
5. One historic home traverses both of the interior lot lines.
6. The footprint of the current historic home is approximately 426 square feet.
7. The home is listed as Landmark on the Historic Sites Inventory.
8. The proposed configuration of lots is two equal sized lots measuring 38.5' x 80'.
9. A Public Hearing was held on October 25, 2006. Two comments were received, both in support of the Plat Amendment and supporting the construction of two smaller homes rather than one larger home.
10. The Planning Commission unanimously voted to recommend approval of the plat amendment on November 8, 2006.
11. The City Council approved the plat amendment on December 14, 2006.
12. The City Council approved a plat extension on December 6, 2007 and again on December 4, 2008.
13. No applicable changes to the LMC regarding subdivision requirements have occurred in the time since the application was initially approved.
14. A Historic District Design Review (HDDR) has been approved and will expire on January 27, 2011. If it expires, a new HDDR application will have to be submitted and that application would need to meet Code and Guidelines in effect at the time of submittal.

Conclusions of Law:

1. There is good cause for this Plat Amendment extension because it allows the construction of two smaller homes, which is consistent with the surrounding land use patterns, massing and scale on Prospect Street.
2. The Plat Amendment extension is consistent with the Park City Land Management Code.
3. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
4. Approval of the Plat Amendment extension, 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. Removal of the historic home and the form of reconstruction as identified in

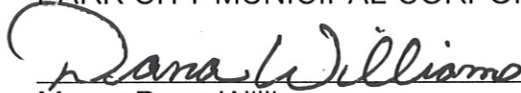
the approved Preservation Plan, is a condition precedent prior to recordation of the plat.

3. The applicant will record the Plat Amendment at the County within one year from the date of City Council extension of the approval (by December 14, 2010). If recordation has not occurred within one year's time, this approval for the plat will be void.
4. All standard project conditions will apply as noted in Exhibit B.
5. An executed Financial Guarantee between the Owner and the City is a condition precedent prior to removal of the historic structure and recordation of the plat. As part of the Financial Guarantee, there will be a set date by which the reconstruction of the historic house must be completed by.
6. Proposed plat shall include sewer line encroachment easement agreement from adjacent property at 74 Prospect.
7. A 10 foot wide public snow storage easement shall be dedicated along the properties front to Prospect Street.

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

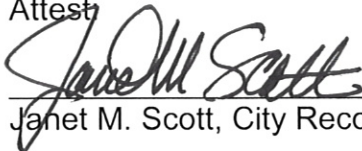
PASSED AND ADOPTED this 25th day of February, 2010.

PARK CITY MUNICIPAL CORPORATION




Mayor Dana Williams

Attest



Janet M. Scott, City Recorder

Approved as to form:



Mark D. Harrington, City Attorney

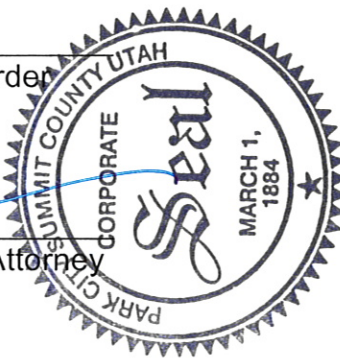


Exhibit A continued: Proposal for Replat

PLANNING DEPARTMENT

City of Park City, Utah
 Planning Department
 200 East Center Street, Suite 200
 Park City, Utah 84302
 Phone: (435) 766-3300
 Fax: (435) 766-3301

DESIGNER INFORMATION

Project Name: _____
 Designer: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____

OWNER INFORMATION AND CONTACT PERSON

Owner Name: _____
 Contact Person: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Phone: _____

PROPERTY DESCRIPTION

Parcel ID: _____
 Assessor's Map: _____
 Section: _____
 Township: _____ Range: _____

4. LOT COMBINATION PLAT

68 PROSPECT STREET REPLAT

RESUBDIVISION OF LOTS 8, 9, AND 10 IN BLOCK 15, PARK CITY SURFV²

LOCATED IN SECTION 31
 TOWNSHIP 5 SOUTH, RANGE 12 WEST, COUNTY OF KANE

RECEIVED
 PLANNING DEPARTMENT
 MAY 11 2009

<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED	<input type="checkbox"/> APPROVED
PLANNING COMMISSION	ENGINEER'S CERTIFICATE	APPROVAL AS TO FORM	CERTIFICATE OF ATTORNEY	CIVILIAN APPROVAL AND ACCEPTANCE	STATE OF UTAH	COUNTY OF KANE	CITY OF PARK CITY

Exhibit A continued: Survey



- NOTES**
1. The boundaries between adjacent property owners are as shown on the adjacent plat.
 2. The interior is supposed to be for parking, building setbacks, etc. as shown on the adjacent plat.
 3. The bearings and distances are as shown on the adjacent plat.
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 9. The bearings and distances are as shown on the adjacent plat.
 10. The bearings and distances are as shown on the adjacent plat.



SURVEYOR'S CERTIFICATE

I, Walter D. Gunn, Registered Surveyor, State of Mississippi, do hereby certify that the foregoing is a true and correct copy of the original survey map as shown on the adjacent plat. Witness my hand and the seal of my office, this 1st day of May, 2010.

DATE	DESCRIPTION	BY
5/1/10	AS SHOWN ON THE ADJACENT PLAT	W. D. GUNN

DATE	DESCRIPTION	BY
5/1/10	AS SHOWN ON THE ADJACENT PLAT	W. D. GUNN

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EXHIBIT B

PARK CITY MUNICIPAL CORPORATION STANDARD PROJECT CONDITIONS

1. The applicant is responsible for compliance with all conditions of approval.
2. The proposed project is approved as indicated on the final approved plans, except as modified by additional conditions imposed by the Planning Commission at the time of the hearing. The proposed project shall be in accordance with all adopted codes and ordinances; including, but not necessarily limited to: the Land Management Code (including Chapter 5, Architectural Review); International Building, Fire and related Codes (including ADA compliance); the Park City Design Standards, Construction Specifications, and Standard Drawings (including any required snow storage easements); and any other standards and regulations adopted by the City Engineer and all boards, commissions, agencies, and officials of the City of Park City.
3. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit.
4. All construction shall be completed according to the approved plans on which building permits are issued. Approved plans include all site improvements shown on the approved site plan. Site improvements shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grading, walls, landscaping, lighting, planting, paving, paths, trails, public necessity signs (such as required stop signs), and similar improvements, as shown on the set of plans on which final approval and building permits are based.
5. All modifications to plans as specified by conditions of approval and all final design details, such as materials, colors, windows, doors, trim dimensions, and exterior lighting shall be submitted to and approved by the Planning Department, Planning Commission, or Historic Preservation Board prior to issuance of any building permits. Any modifications to approved plans after the issuance of a building permit must be specifically requested and approved by the Planning Department, Planning Commission and/or Historic Preservation Board in writing prior to execution.
6. Final grading, drainage, utility, erosion control and re-vegetation plans shall be reviewed and approved by the City Engineer prior to commencing construction. Limits of disturbance boundaries and fencing shall be reviewed and approved by the Planning, Building, and Engineering

Departments. Limits of disturbance fencing shall be installed, inspected, and approved prior to building permit issuance.

7. An existing conditions survey identifying existing grade shall be conducted by the applicant and submitted to the Planning and Building Departments prior to issuance of a footing and foundation permit. This survey shall be used to assist the Planning Department in determining existing grade for measurement of building heights, as defined by the Land Management Code.
8. A Construction Mitigation Plan (CMP), submitted to and approved by the Planning, Building, and Engineering Departments, is required prior to any construction. A CMP shall address the following, including but not necessarily limited to: construction staging, phasing, storage of materials, circulation, parking, lights, signs, dust, noise, hours of operation, re-vegetation of disturbed areas, service and delivery, trash pick-up, re-use of construction materials, and disposal of excavated materials. Construction staging areas shall be clearly defined and placed so as to minimize site disturbance. The CMP shall include a landscape plan for re-vegetation of all areas disturbed during construction, including but not limited to: identification of existing vegetation and replacement of significant vegetation or trees removed during construction.
9. Any removal of existing building materials or features on historic buildings shall be approved and coordinated by the Planning Department according to the LMC, prior to removal.
10. The applicant and/or contractor shall field verify all existing conditions on historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Planning Department for further direction, prior to construction.
11. Final landscape plans, when required, shall be reviewed and approved by the Planning Department prior to issuance of building permits. Landscaping shall be completely installed prior to occupancy, or an acceptable guarantee, in accordance with the Land Management Code, shall be posted in lieu thereof. A landscaping agreement or covenant may be required to ensure landscaping is maintained as per the approved plans.
12. All proposed public improvements, such as streets, curb and gutter, sidewalks, utilities, lighting, trails, etc. are subject to review and approval by the City Engineer in accordance with current Park City Design Standards, Construction Specifications and Standard Drawings. All

improvements shall be installed or sufficient guarantees, as determined by the City Engineer, posted prior to occupancy.

13. The Snyderville Basin Water Reclamation District shall review and approve the sewer plans, prior to issuance of any building plans. A Line Extension Agreement with the Snyderville Basin Water Reclamation District shall be signed and executed prior to building permit issuance. Evidence of compliance with the District's fee requirements shall be presented at the time of building permit issuance.
14. The planning and infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
15. When applicable, access on state highways shall be reviewed and approved by the State Highway Permits Officer. This does not imply that project access locations can be changed without Planning Commission approval.
16. Vesting of all permits and approvals terminates upon the expiration of the approval as defined in the Land Management Code, or upon termination of the permit.
17. No signs, permanent or temporary, may be constructed on a site or building without a sign permit, approved by the Planning and Building Departments. All multi-tenant buildings require an approved Master Sign Plan prior to submitting individual sign permits.
18. All exterior lights must be in conformance with the applicable Lighting section of the Land Management Code. Prior to purchase and installation, it is recommended that exterior lights be reviewed by the Planning Department.