

Ordinance No. 10-04

**AN ORDINANCE APPROVING THE VMCS REPLAT PLAT AMENDMENT,
LOCATED AT 3615 SUN RIDGE DRIVE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 3615 Sun Ridge Drive have petitioned the City Council for approval of the VMCS Replat 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 December 9, 2009, to receive input on the VMCS Replat plat amendment;

WHEREAS, the Planning Commission, on December 9, 2009, forwarded a positive recommendation to the City Council; and,

WHEREAS, on January 7, 2010, the City Council approved VMCS Replat plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the VMCS Replat plat amendment.

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 VMCS Replat plat amendment 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 property is located at 3615 Sun Ridge Drive.
2. The zoning is Residential Development (RD) within the Deer Valley Master Planned Development (MPD).
3. The Mascatello's combined Lot 5 and 6 of the Royal Oaks subdivision in 2001 creating Lot 1 Mascatello Replat as it is today. It is 0.728 acres.
4. The proposed plat amendment brings the current lot back to its previous size and configuration of Lot 5 (15,544 square feet) and Lot 6 (16,169 square feet) of the Royal Oaks Subdivision. City Council approved the Royal Oaks Subdivision in 1991. The previous Lot 5 will be renamed Lot A of the VCMS, LLC Replat. The previous Lot 6 will be renamed Lot B of the VMCS, LLC Replat.
5. The size of the two proposed lots is consistent with the pattern of development in the neighborhood.
6. The Setbacks are fifteen feet (15') for the front and rear yards and twelve feet (12') for both of the side yards. This fits within the RD zone since an exception as stated in LMC 15-2.13-3 was granted to the Royal Oaks Subdivision at time of original subdivision approval.
7. The maximum height for future structures will be that which is allowed within the RD zone.
8. The Planning Commission heard this application at its regular meeting on December 9, 2009, and forwards a positive recommendation.

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.
3. All conditions of approval of the Royal Oaks Subdivision shall continue to apply.
4. Lot A is limited to a maximum house size of 5,000 square ft. Lot B is limited to a maximum house size of 7,500 square ft. These restrictions will be noted on the plat.

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

PASSED AND ADOPTED this 14th day of January, 2010.

PARK CITY MUNICIPAL CORPORATION

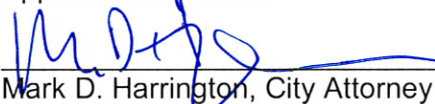


Mayor Dana Williams

Attest:

Janet M. Scott, City Recorder

Approved as to form:

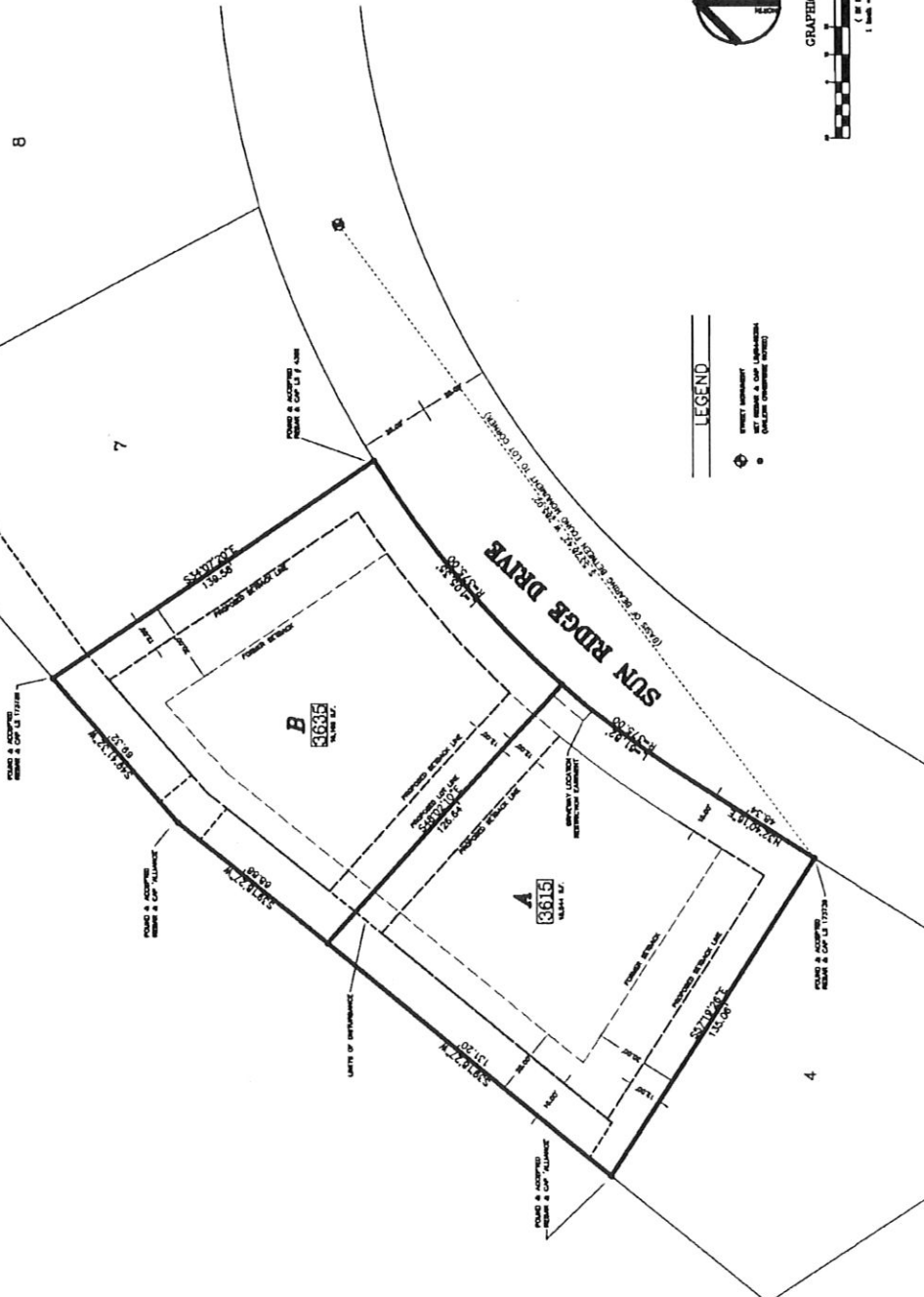


Mark D. Harrington, City Attorney

Exhibit A

A PLAT AMENDMENT VMCS ~~MASCARILLO REPEAT~~ REPLAT

SECTION 10, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
PARK CITY, SUMMIT COUNTY, UTAH



CONVEYANCE AND ACCEPTANCE TO RECORD
 I, the undersigned, hereby certify that the above described plat was prepared by me or under my supervision and that I am a duly licensed professional surveyor in the State of Utah. I further certify that the above described plat was prepared in accordance with the provisions of the Utah Surveying Act, Chapter 204, Utah Code, and that the same is true and correct to the best of my knowledge and belief.

By _____
 Surveyor

LOCAL JURISDICTION
 I, the undersigned, hereby certify that the above described plat was prepared in accordance with the provisions of the Utah Surveying Act, Chapter 204, Utah Code, and that the same is true and correct to the best of my knowledge and belief.

By _____
 Surveyor

LOCAL JURISDICTION
 I, the undersigned, hereby certify that the above described plat was prepared in accordance with the provisions of the Utah Surveying Act, Chapter 204, Utah Code, and that the same is true and correct to the best of my knowledge and belief.

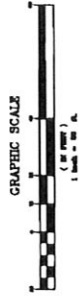
By _____
 Surveyor

LOCAL JURISDICTION
 I, the undersigned, hereby certify that the above described plat was prepared in accordance with the provisions of the Utah Surveying Act, Chapter 204, Utah Code, and that the same is true and correct to the best of my knowledge and belief.

By _____
 Surveyor

LOCAL JURISDICTION
 I, the undersigned, hereby certify that the above described plat was prepared in accordance with the provisions of the Utah Surveying Act, Chapter 204, Utah Code, and that the same is true and correct to the best of my knowledge and belief.

By _____
 Surveyor



LEGEND
 ○ PROPERTY BOUNDARY
 □ SET BACKS & COV. LIMITATIONS
 ○ (OR OTHER CHANGES NOTED)

RECEIVED
 JUL 23 2009
 Park City Surveying

STATE OF UTAH COUNTY OF SUMMIT AND FILED AT THE REQUEST OF _____ BOOK _____ PAGE _____ DATE _____

RECORDED

PLATE 1 OF 1

PARK CITY PLANNING COMMISSION
 I, the undersigned, hereby certify that the above described plat was prepared in accordance with the provisions of the Utah Surveying Act, Chapter 204, Utah Code, and that the same is true and correct to the best of my knowledge and belief.

By _____
 Surveyor

CERTIFICATE OF ATTEST
 I, the undersigned, hereby certify that the above described plat was prepared in accordance with the provisions of the Utah Surveying Act, Chapter 204, Utah Code, and that the same is true and correct to the best of my knowledge and belief.

By _____
 Surveyor

ENTWISSELLE MARK WALKER RECREATION DISTRICT
 I, the undersigned, hereby certify that the above described plat was prepared in accordance with the provisions of the Utah Surveying Act, Chapter 204, Utah Code, and that the same is true and correct to the best of my knowledge and belief.

By _____
 Surveyor

ENGINEERS CERTIFICATE
 I, the undersigned, hereby certify that the above described plat was prepared in accordance with the provisions of the Utah Surveying Act, Chapter 204, Utah Code, and that the same is true and correct to the best of my knowledge and belief.

By _____
 Surveyor

APPROVAL AS TO FORM
 APPROVED AS TO FORM THIS _____ DAY OF _____ A.D. 2009

BY _____
 PARK CITY ATTORNEY

COUNCIL APPROVAL AND ACCEPTANCE
 APPROVED AND ACCEPTED BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ A.D. 2009

BY _____
 MAYOR

BY _____
 RECORDER