

City Council Staff Report

Subject: Ridge Avenue Plat Amendment
 (Alice Claim Subdivision Plat Property Swap)
Author: Francisco Astorga, AICP, Senior Planner
Project #: PL-16-03069
Date: 29 January 2019
Types of Item: Legislative – Plat Amendment Date Extension

Summary Recommendations

Staffs recommends that the City Council open a public hearing for the Ridge Avenue Plat Amendment Date Extension, associated with the Alice Claim Subdivision Plat, and consider approving the date extension pursuant to the Findings of Fact, Conclusion of Law, and Conditions of Approval stated in the Draft Ordinance.

Topic

Applicant: King Development Group LLC & 123-129 Ridge LLC
 represented by Brad Cahoon, Marc Diemer, Gregg Brown,
 and Jerry Fiat
Location: Alice Claim south of intersection of King Road, Ridge
 Avenue and Sampson Avenue
Zoning: Historic Residential-1 and Estate Districts
Adjacent Land Uses: Open Space and Residential (developed and undeveloped)
Reason for Review: Extension of Plats require City Council action

Executive Summary/Proposal

On March 8, 2018, the Park City Council approved the Ridge Avenue Plat Amendment which is set to expire on March 8, 2019 if the Plat is not recorded at the County. The Ridge Avenue Plat Amendment swapped a 2,057 square foot triangular portion of Lot 1 with corresponding 2,057 square foot triangular portion of Lot 9 and Lot 8 of the approved Alice Claim Subdivision and Plat Amendment (Subdivision Plat). The Planning Department received a request for extension on November 26, 2018. There have been no modifications to the original request of either approved Plat.

The applicant is requesting an extension to the Ridge Avenue Plat Amendment approval date due to the length of time needed to complete utility, public improvements, infrastructure, etc. which would allow them to record the Alice Claim Subdivision Plat at the County. The Alice Claim Subdivision Plat was approved with a two (2) year recordation expiration date from Council's final action, March 8, 2020; however, the Ridge Avenue Plat Amendment was approved with one (1) year recordation expiration date, March 8, 2019.

Plat Background / Analysis

The background and Analysis of this approved Plat Amendment as well as the Alice

Claim Subdivision Plat can be found in the March 8, 2018 City Council Staff Report:

- [Ridge Avenue Plat Amendment](#) (pg. 157)
- [Alice Claim Subdivision Plat](#) (pg. 61)

The March 8, 2018 City Council meeting minutes can also be found here:

- [Ridge Avenue Plat Amendment](#) (pg. 13)
- [Alice Claim Subdivision Plat](#) (pg. 8)

Plat Date Extension Analysis

Per [Land Management Code § 15-7.1-6\(C\)\(5\) Final Subdivision Plat](#), applicants may request time extensions of the City Council approval by submitting a written request to the Planning Department prior to the expiration of approval; the applicant submitted a complete Request for Extension Application to the Planning Department on November 26, 2018. The City Council may grant an extension to the expiration date when the Applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact or finding of non-compliance with the General Plan or Land Management Code. Staff has reviewed the applicant's Request for Extension and found no changes in circumstance, including no physical changes to the property or surroundings; furthermore, staff should have requested the same expiration dates for both Plats when they were both approved on March 8, 2018.

Staff finds good cause for this Plat Amendment date extension to March 8, 2020 as this Plat Amendment land swap was indeed in conjunction with the Alice Claim Subdivision Plat specifically filed to "square off" lots.

Process

The approval of this application by the City Council constitutes Final Action that may be appealed following the procedures found in Land Management Code [Land Management Code § 15-1-18](#).

Department Review

This project has gone through an interdepartmental review. Staff has not identified any issues associated with this proposal outside of the analysis, findings of fact, conclusion of law, conditions of approval, etc. of the requested Alice Claim Subdivision and Plat Amendment.

Notice

The property was posted and notice was mailed to property owners within 300 feet. Legal notice was also put in the Park Record.

Public Input

No public input has been received by the time of this report.

Alternatives

- The City Council may approve the request as conditioned or amended; or

- The City Council may deny the request and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the request.

Significant Impacts

There are no significant fiscal or environmental impacts from this application.

Consequences of not taking the Suggested Recommendation

Recordation of this Plat Amendment without the Alice Claim Subdivision Plat would create remnant parcels. The Plat will expire on March 8, 2019 and the applicant would have to begin the Plat Amendment process anew.

Summary Recommendations

Staffs recommends that the City Council open a public hearing for the Ridge Avenue Plat Amendment Date Extension, associated with the Alice Claim Subdivision Plat, and consider approving the date extension pursuant to the Findings of Fact, Conclusion of Law, and Conditions of Approval stated in the Draft Ordinance.

Exhibits

Exhibit A – Proposed Ordinance with Proposed Plat Amendment

Exhibit B – Applicant's Project Description

Exhibit C – Survey

Exhibit D – Property Swap

Exhibit E – Ridge Avenue Subdivision

Exhibit F – Applicant's Extension Request dated November 26, 2018

Exhibit G – Ordinance No. 2018-09

Exhibit A - Draft Ridge Avenue Plat Amendment Ordinance

Ordinance No. 2019-09

AN ORDINANCE APPROVING AN EXTENSION OF THE MARCH 8, 2018 APPROVAL OF THE RIDGE AVENUE PLAT AMENDMENT, ORDINANCE NO. 2018-09, LOCATED AT 123 RIDGE AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property known as the Alice Claim Subdivision AND 123 Ridge Avenue, have petitioned the City Council for approval of the Ridge Avenue 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 according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on May 25, 2016, July 13, 2016, and July 27, 2016 to receive input on the proposed Plat;

WHEREAS, on May 25, 2017, February 15, 2018, and March 8, 2018 the City Council held a public hearing on the proposed Plat; and

WHEREAS, the applicant submitted a letter requesting an extension of approval on November 26 2018; and

WHEREAS, on January 29, 2019 the City Council held a public hearing on the requested date extension; and

WHEREAS, it is in the best interest of Park City, Utah to conduct a public hearing and approve the extension of approval of the Ridge Avenue 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 Ridge Avenue 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 site is located 123 Ridge Avenue.
2. The site is Lot 1 of the Ridge Avenue Subdivision.
3. The site is within the HRL District.

4. The applicant requests that the City review the Ridge Avenue Plat Amendment.
5. The applicant proposes a change to adjust Lot 1.
6. The proposed amendment swaps a 2,057 square foot triangular portion of Lot 1 with corresponding 2,057 square foot triangular portion of Lot 9 and Lot 8 of the proposed Alice Claim Subdivision and Plat Amendment.
7. There is no increase or reduction in the size of either subdivision.
8. The resulting reconfiguration allows the “squaring up” of these lots through this Plat Amendment and the adjacent Lot 9 and Lot 8 of the proposed Alice Claim Subdivision and Plat Amendment.

Conclusions of Law

1. There is good cause for this extension of approval of the Plat Amendment as associated with the Alice Claim Subdivision and Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding plat amendments.
3. Neither the public nor any person will be materially injured by the Plat Amendment.
4. Extension of 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 by March 8, 2010, two (2) years from the original date of the City Council approval. If recordation has not occurred by March 8, 2020, this approval for the Plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council. If the Plat is not recorded within this time period, it shall be null and void and any resubmittal shall be a new application which is subject to all review requirements, zoning restrictions and subdivision regulations, etc., at the time of the submittal.
3. The conditions of approval of the Ridge Avenue Subdivision shall continue to apply.

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

PASSED AND ADOPTED this 29th day of January, 2019

PARK CITY MUNICIPAL CORPORATION

Andy Beerman, MAYOR

ATTEST:

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

Mark Harrington, City Attorney