

City Council Staff Report



Subject: Claim Jumper Court Subdivision
Author: Laura Newberry, Planner I
Project Number: PL-19-04040
Date: April 18, 2019
Type of Item: Legislative – Plat Amendment

Summary Recommendation

Staff recommends the City Council review and hold a public hearing for the Claim Jumper Subdivision and consider approving the Plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Description

Applicant: Nancy Shott
Alliance Engineering, Inc. – Marshall King
Location: 4 Claim Jumper Ct,
6 Claim Jumper Ct,
8 Claim Jumper Ct
Zoning: Historic Residential (HR-1)
Adjacent Land Uses: Residential
Reason for Review: Plat Amendments require Planning Commission review and City Council review and action

Proposal/Executive Summary

The applicants are proposing to remove existing lot lines to combine additional Lots 68A, 69A, and 70A with their adjacent main lots 68, 69, and 70 respectively.

In addition to combining the six lots into three, the applicants were originally proposing to measure the Rear Setback from the new Lot boundaries once the Lots are combined. However, on February 27, 2019, Staff met with the Applicant and the proposal to adjust the Rear Setback line was removed from the application. This request to change the proposal was made after the courtesy mailing notice was sent out to the neighbors. While the Rear Setback adjustment is no longer part of the Applicant's request, Staff still recommends including a Condition of Approval that the original Rear Setback shall be maintained and measured from the original Lot line.

On March 13, 2019, the Planning Commission reviewed the proposed Subdivision and opened a public hearing. A few neighbors were present and voiced their concerns regarding the rear setback. They were concerned that future buyers would not be aware of the restrictions placed on the rear A Lots. Staff clarified that the Plat would have the "A Lots" hatched and include Plat Notes that specified the restrictions placed on those areas. The Planning Commission recommended that staff amend the Conditions of Approval to include the actual wording from the 1977 Agreement. With the amended

Conditions of Approval, the Planning Commission forwarded a unanimous positive recommendation to City Council (see [Planning Commission March 13, 2019 Minutes](#)).

Acronyms

LMC Land Management Code
SF Single Family District

Purpose

The purpose of the Single Family SF District is to:

- A. maintain existing predominately Single Family detached residential neighborhoods,
- B. allow for Single Family Development Compatible with existing Developments,
- C. maintain the character of mountain resort neighborhoods with Compatible residential design; and
- D. require Streetscape design that minimizes impacts on existing residents and reduces architectural impacts of the automobile.

Background

In July of 1971, the City Council approved the original [Thaynes Canyon Subdivision](#). In February of 1977, the City Council approved the [Additions to Lots 65-84 Thaynes Canyon Subdivision](#). This second subdivision consisted of eighteen (18) interior parcels located within a section of the original Thaynes Canyon Subdivision. These 18 parcels were originally owned by the City and were part of the Park City Golf Course. The City deeded the 18 parcels to the adjacent owners at the time, in 1977. The Planning Commission conditioned their recommendation for approval by saying the owners were to be notified that any construction proposed on these parcels would require a Conditional Use approval. They mentioned that this would be done by needs of a deed restriction. On May 2, 1977, an Agreement (referred to as the [1977 Agreement](#) and attached hereto as Exhibit C) was recorded with Summit County (Entry No. 00137582) that goes over the specific requirements for any construction on these 18 parcels.

On [July 25, 1996](#), the City Council approved the Eriksen Replat, located at 13 Hidden Splendor Court. The Staff Report for this Plat Amendment did not mention Setbacks, but a Plat Note was included that states that all conditions of the March 23, 1977 Agreement shall continue to apply.

On [January 9, 2008](#), the Planning Commission reviewed the 61 Thaynes Canyon Drive Subdivision, located at 61 Thaynes Canyon Drive. The Planning Commission discussed the Setbacks for this Lot and determined that the Setbacks would be dictated by the 1977 Agreement. On [January 24, 2008](#), the City Council approved the 61 Thaynes Canyon Drive Subdivision with a Plat note stating that Setbacks would be dictated by the 1977 Agreement.

On [February 25, 2015](#), the Planning Commission reviewed the 9 Hidden Splendor Replat, located at 9 Hidden Splendor Court. The Planning Commission had an in depth discussion regarding the Setbacks for this Plat Amendment. They discussed the

previous Plat Amendments in this subdivision and whether or not the Rear Setback was allowed to be measured off the new Rear Property Boundary. In particular, they were concerned that the Eriksen Replat along with a Conditional Use Permit allowed the house to have an attached garage located on the A Lot, per the 1977 Agreement.

On [March 19, 2015](#), the City Council approved the 9 Hidden Splendor Replat, with a Condition of Approval that the original Rear Setback be maintained. I have included the same language as Condition of Approval #8 in the attached draft ordinance.

On November 29, 2018, the Planning Department received a complete Plat Amendment Application requesting to combine six lots into three. The applicants are proposing to remove existing Lot lines to combine three designated A Lots with their adjacent main Lots.

Based on previous Plat Amendments in this subdivision and reviewing the minutes from those meetings, Staff is recommending approval of the Lot combinations. As mentioned in the Summary Recommendation, the Applicant amended their proposal after the courtesy mailing notice had been sent to the neighbors. The Applicant is no longer requesting to adjust the Rear Setback Line, but Staff still recommends including a Condition of Approval (#8) to make sure future owners are aware of the requirement.

The Planning Commission also recommended clarifying this condition by adding the actual language from the 1977 Agreement as Condition of Approval Number 4, sub notes a and b.

Analysis

The subject sites are located at 4 Claim Jumper Court, 6 Claim Jumper Court, and 8 Claim Jumper Court. The site is within the Single Family (SF) District. The proposed Plat Amendment requests to combine six Lots into three Lots. The Existing and Proposed Lot Sizes are included below (Image 1: Lot Size Analysis).

Image 1: Lot Size Analysis

	Existing Area	Proposed Area
Lot 68	8,333 sf / 0.19 Acres	13,554 sf / 0.31 Acres
Lot 69	8,344 sf / 0.19 Acres	11, 699 sf / 0.27 Acres
Lot 70	8,332 sf / 0.19 Acres	9,712 sf / 0.22 Acres

After reviewing the previous Plat Amendments in this Subdivision, Staff finds that in order to be consistent, the Rear Setback line should not be moved. While one of the three previous approvals did allow the Rear Setback line to change, this approval was reviewed under a different LMC and did not receive any public input. Further, this Plat Amendment was done prior to the Good Cause requirement. The Land Management Code (LMC) defines Good Cause as the following:

“Providing positive benefits and mitigating negative impacts, determined on a case by case basis to include such things as: providing public amenities and

benefits, resolving existing issues and non-conformities, addressing issues related to density, promoting excellent and sustainable design, utilizing best planning and design practices, preserving the character of the neighborhood and of Park City and furthering the health, safety, and welfare of the Park City community.”

Though the Applicant amended their proposal to remove the request to adjust the Rear Setback, Staff is still recommending including Condition of Approval #8 to clarify the Setbacks for future owners and neighbors.

Good Cause

Staff finds that there is good cause for this Plat Amendment, in that it would clean up the remnant parcels.

Process

The approval of this Plat Amendment application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC §15-1-18.

Department Review

This project has gone through an interdepartmental review. No further issues were brought up at that time.

Notice

On February 27, 2019, the property was posted and notice was mailed to property owners within 300 feet. Legal notice was also published in the Park Record and the Utah Public Notice Website on February 23, 2019.

Public Input

On March 7, 2019, the Planning Department received a Public Comment (see Exhibit H) from a neighbor who is not able attend the Planning Commission meeting. The public comment mostly contains concerns about the setback changing, which is no longer part of the proposal.

At the [Planning Commission meeting on March 13, 2019](#), several neighbors spoke during the Public Hearing for this item. Again, most of the public concerns were regarding the Rear Setback and what could or could not be built in the A Lots.

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

Alternatives

- The City Council may approve the proposed Claim Jumper Subdivision, as conditioned or amended at the meeting; or
- The City Council may deny the proposed Claim Jumper Subdivision, and direct staff to make Findings for this decision; or

- The City Council may continue the discussion on the proposed Claim Jumper Subdivision, and request additional information or analysis in order to make a recommendation.

Significant Impacts

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

Consequences of not taking recommended action

The consequences of not taking the recommended action would be that the six Lots would not be combined into three Lots of Record and would remain as is. The remnant Lots 68A, 69A, and 70A would remain as is and would have to comply with the current LMC requirements as well as the 1977 Agreement for any new structures proposed.

Summary Recommendations

Staff recommends the City Council review and hold a public hearing for the Claim Jumper Subdivision and consider approving the Plat based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance. Staff recommends including a Condition of Approval (#8) that the original Rear Setback shall be maintained and measured from the original rear Lot line for the three main lots.

Exhibits

Exhibit A – Draft Ordinance

Attachment 1 – Claim Jumper Subdivision (Proposed)

Exhibit B – Current Plats: Thaynes Canyon Subdivision & Thaynes Canyon Subdivision Addition to Lots 65-84

Exhibit C – The 1977 Agreement

Exhibit D – Applicant's Project description

Exhibit E – Existing Conditions Survey

Exhibit F – Aerial Photograph

Exhibit G – Site Photographs

Exhibit H – Public Comment