



City Council Staff Report

Subject: Prospect Place Plat Amendment
Author: Tippe Morlan, MS, AICP, Planner II
Date: April 18, 2019
Type of Item: Legislative – Plat Amendment

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| Project Number: | PL-19-04174 |
| Applicant: | Gregory Harry Balch and Shirley Ann Acaya |
| Location: | 86 Prospect Street |
| Zoning: | Historic Residential (HR-1) |
| Adjacent Land Uses: | Residential – Single-family dwellings |
| Reason for Review: | Extensions of plat amendments require City Council action |

Proposal

The Prospect Place Plat Amendment was originally approved by the City Council on April 5, 2018. The Planning Department received a request for a one year extension for this approval on March 21, 2019. The applicant is requesting more time to comply with Condition of Approval 5 which requires that the existing structures be removed before plat recordation to prevent establishing a new lot line running through an existing structure. There have been no modifications to the original request.

The applicant is requesting to convert two existing lots addressed at 86 Prospect Street into three new lots of record. The site consists of Lot 12 of Block 18 of the Park City Survey and a metes and bounds parcel 75 feet wide by 80 feet deep located south of and adjacent to Lot 12. The proposed plat amendment creates three lots, one at 2,002 square feet and two at 2,908 square feet in size. There is an existing non-historic structure with a small shed and an accessory building approved as an art studio at this address.

Recommendation

Staff recommends that the City Council hold a public hearing and consider **approving** a one year extension of the Prospect Place Plat Amendment located at 86 Prospect Street based on the Findings of Fact, Conclusions of Law, and Conditions of Approval as found in the draft ordinance.

Background

1907 – The existing structure was constructed on this site according to Summit County records.

1982 – The 1982 Historic Property Survey indicated that it had been significantly altered and was “close to being [a] new structure” although the City shows no records of permits or applications for the alterations. It was not included in the 2009 Historic Property Inventory and is not listed on the current Historic Sites Inventory.

July 11, 1994 – The Historic District Commission approved the construction of a one room studio structure to be used as an art studio at this location.

February 15, 2018 – The City received a complete Plat Amendment application for the Prospect Place Plat Amendment (Project Number PL-18-03792).

March 14, 2018 – The Planning Commission reviewed this Plat Amendment application and issued a positive recommendation to the City Council. The motion passed with a unanimous vote (see Exhibit G for Minutes).

April 5, 2018 – The City Council approved the Prospect Place Plat Amendment with a unanimous vote (see Exhibit H for Minutes).

March 21, 2019 – The City received a complete Plat Amendment application for a one year extension of the Prospect Place Plat Amendment.

Analysis

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 according to [LMC 15-7.1-6\(C\)\(5\) Final Subdivision Plat](#) and as stated in Condition of Approval #2 from the original plat approval. The applicant submitted a complete Request for Extension Application to the Planning Department on March 21, 2019.

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.

The analysis of this plat amendment was included in the [April 5, 2018 City Council Staff Report](#) and related [exhibits](#). This was approved by the City Council on that date with [Ordinance 2018-14](#).

The City Council's approval of the plat amendment in 2018 included site specific Conditions of Approval as follows, which remain in place as a part of this plat extension:

- A 10 foot wide public snow storage easement along the frontage of Prospect Street is required and shall be provided on the plat.
- Removal of existing structures that will create new non-complying setback situations with the new lot lines is a condition precedent to recordation of this plat amendment.
- The encroaching shed shall be removed or relocated to resolve the encroachment prior to plat recordation.

Department Review

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

Process

Approval of the extension application by the City Council constitutes Final Action that may be appealed following the procedures found in LMC 1-18. The extension provides an additional year for the applicant to record the condominium plat at Summit County. Recordation shall occur prior to April 18, 2020 or the approval will expire, unless the applicant submits a written request for an additional extension.

A Historic District Design Review application will need to be submitted for review by Planning Staff prior to issuance of building permits. A Steep Slope Conditional Use Permit will also be required for development on any slopes exceeding 30 percent in grade as required in the HR-1 district.

Notice

On April 3, 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 March 30, 2019, according to requirements of the Land Management Code.

Public Input

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

Alternatives

- The City Council may approve the request for an extension of approval for the Prospect Place Plat Amendment as conditioned or amended; or
- The City Council may deny the request for an extension of approval for the Prospect Place Plat Amendment and direct staff to make Findings for this decision; or
- The City Council may continue the discussion on the extension request to a date certain and request additional information.
- There is not a “no action” option with this type of item.

Significant Impacts

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

Consequences of not taking recommended action

The subject property would remain as one individual lot and one metes and bounds parcel, and the existing house would continue to have a non-complying front yard setback and a shed which encroaches over the south property line.

Exhibits

Exhibit A – Draft Ordinance with Proposed Plat (Attachment 1)

Exhibit B – Survey

Exhibit C – Aerial Photograph

Exhibit D – Existing Plat

Exhibit E – Applicant’s Request for Extension

Exhibit F – Site Photographs

Exhibit G – March 14, 2018 Planning Commission Minutes

Exhibit H – April 5, 2018 City Council Minutes

Exhibit A – Draft Ordinance

Ordinance No. 2019-20

AN ORDINANCE APPROVING AN EXTENSION OF THE APRIL 5, 2018 APPROVAL OF THE PROSPECT PLACE PLAT AMENDMENT LOCATED AT 86 PROSPECT STREET, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 86 Prospect Street has petitioned the City Council for approval of an extension of the Prospect Place Plat Amendment approval; and

WHEREAS, on April 3, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on March 30, 2019, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on March 14, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on March 14, 2018, forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 5, 2018, the City Council held a public hearing and approved the Prospect Place Plat Amendment; and

WHEREAS; the City Council, held a public hearing on April 18, 2019 and approved an extension of the plat approval to April 18, 2020;

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the Prospect Place Plat Amendment located at 86 Prospect Street to allow time to resolve issues of interest to the City that also require compliance prior to plat recordation.

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

SECTION 1. APPROVAL. The Prospect Place 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 property is located at 86 Prospect Street.

2. The site consists of Lot 12 of Block 18 of the Park City Survey and a metes and bounds parcel 75 feet wide by 80 feet deep located south of and adjacent to Lot 12.
3. The property is in the Historic Residential (HR-1) District.
4. There is an existing non-historic structure with an accessory building approved as an art studio at this address.
5. On February 28, 2018, 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 24, 2018, according to requirements of the Land Management Code.
6. The City received a Plat Amendment application for the Prospector Place Plat Amendment on February 8, 2018. The application was deemed complete on February 15, 2018.
7. The proposed plat amendment will create three lots, one at 2,002 square feet and two at 2,908 square feet in size.
8. Each of the proposed lots is of sufficient area for a single family house and not of sufficient area for a duplex.
9. Existing Lot 12 is 1994.20 square feet and has sufficient lot area for a single family house.
10. The metes and bounds parcel is 5,830 square feet and has sufficient area for a duplex. Duplexes require a Conditional Use Permit in the HR1 District.
11. The existing home was constructed in 1907 and has been altered in a manner that it is not on the Historic Sites Inventory.
12. The existing home is a single-family dwelling which is an allowed use in the HR-1 district.
13. There is an accessory structure on the property which was approved as an art studio in 1994.
14. There is a shed on the property which encroaches over the south property line and onto neighboring property.
15. The minimum lot area in this zone is 1,875 square feet. One of the proposed lots is 2,002 square feet in size and two are 2,908 square feet in size.
16. The minimum lot width in the HR-1 zone is 25 feet. The proposed lots meet this requirement with one lot 25 feet wide and two lots 36.3 feet wide.
17. The proposed lots will each be approximately 80 feet deep.
18. The minimum front yard setback is 12 feet. The existing house has a 4 foot front yard setback.
19. The minimum rear yard setback is 12 feet. The existing house has a 26 foot rear yard setback.
20. All three new lots will have a front and rear yard setback of 12 feet each and 25 feet total.
21. The minimum side yard setback is 10 feet on each side and 24 feet total. The existing house has a 27 foot side yard setback on the north side and a 23 foot side yard setback on the south side with a total of 56 feet on both sides.
22. The existing structure does not meet front yard setback requirements.
23. The maximum building footprint for a lot this size is 2,520.4 square feet. The existing footprint meets this standard at approximately 1,805 square feet.

24. The maximum building footprint is 894.49 square feet for the proposed Lot 1 and 1,234.8 square feet for the proposed Lots 2 and 3.
25. The existing structures will need to be removed before the plat is recorded.
26. A Historic District Design Review application is required for any new construction proposed at the existing site.
27. A Steep Slope Conditional Use Permit is required for any construction proposed on slopes greater than 30 percent according to the HR-1 requirements. Construction mitigation, including parking of construction vehicles, will need to be addressed with each building permit.
28. Prospect Street is a narrow steep street that can at times receive heavy snowfall. Snow storage easements along public streets allow the City to efficiently plow and clear streets.
29. City Council approved the Prospect Place Plat Amendment as Ordinance 2018-14 on April 5, 2018.
30. On March 21, 2019, the applicant submitted a written request for an extension of the approval to allow additional time to address the required conditions of approval that have to be completed prior to plat recordation.
31. There have been no changes of circumstance of either the property, the Land Management Code, or the zoning map, since the date of approval, that create the need to make additional changes to the proposed plat prior to action on the extension request.
32. The Land Management Code allows for the City Council to approve extensions of plat approvals.

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 lot combinations.
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 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 will record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration and an extension is granted by the City Council.
3. Residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
4. A 10 foot wide public snow storage easement along the frontage of Prospect Street is required and shall be provided on the plat.

5. Removal of existing structures that will create new non-complying setback situations with the new lot lines is a condition precedent to recordation of this plat amendment.
6. The encroaching shed shall be removed or relocated to resolve the encroachment prior to plat recordation.

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

PASSED AND ADOPTED this 18th day of April, 2019.

PARK CITY MUNICIPAL CORPORATION

MAYOR

ATTEST:

City Recorder

APPROVED AS TO FORM:

City Attorney

Attachment 1 – Proposed Plat