

Ordinance No. 13-09

**ORDINANCE APPROVING AN EXTENSION FOR THE APPROVAL OF
THE 508 MAIN STREET SUBDIVISION PLAT AMENDMENT
LOCATED AT 508 MAIN STREET, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 508 Main Street have petitioned the City Council for approval of an extension to the 508 Main Street Subdivision 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 originally held a public hearing on January 12, 2011, to receive input on the 508 Main Street Subdivision plat amendment and then forwarded a positive recommendation to the City Council;

WHEREAS, the City Council originally held a public hearing on February 10, 2011, to receive input on the 508 Main Street Subdivision plat amendment;

WHEREAS, the applicant applied for an extension on January 30, 2012, the applicant submitted a formal request to extend the previously approved subdivision plat amendment due to issues getting an encroachment agreement from their neighbors to the south (510 Main Street).

WHEREAS, no action was previous taken to extend the application until Staff discovered the that the extension had not been processed..

WHEREAS, it is in the best interest of Park City, Utah to extend the approval the 508 Main Street Subdivision 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 508 Main Street Subdivision 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. On January 12, 2011, the proposed plat amendment was brought before the Planning Commission for a public hearing. The Planning Commission unanimously recommended approval of the plat amendment to the City Council.
2. On February 10, 2011, the City Council held a public hearing and also voted unanimously to approve the proposed 508 Main Street subdivision plat amendment.
3. On January 30, 2012, the applicant submitted a formal request to extend the previously approved subdivision plat amendment due to issues getting an encroachment agreement from their neighbors to the south (510 Main Street).
4. No action was taken by Staff to bring forward the extension to the City Council for approval prior to this date.
5. The property is located at 508 Main Street in the Historic Commercial Business (HCB) zoning district.
6. There is an existing historic structure on the property, identified as Landmark on the Historic Sites Inventory.
7. The subject property encompasses all of Lot 2 of Block 24, and a tract of land 20 feet by 25 feet of Millsite Reservation and a tract of land 24 feet by 25 feet adjacent to the eastern boundary in the Millsite Reservation.
8. The historic building encroaches onto Lot 1 in the southeast corner by 0.3 feet and in the southwest corner by 0.1 feet. The historic building encroaches onto Lot 3 in the northeast corner by 0.09 feet and the northwest corner by 0.2 feet
9. The known encroachments will need to be resolved either by agreement or by other means prior to the recording of the plat.
10. The proposed amended plat would result in one lot of record of 2,975 square feet.
11. The proposed plat amendment will not create substandard lots on the neighboring lots.
12. The applicant is proposing the combination of the lots to clean up property lines discovered to be at issue during Historic District Design Review and Building permit review.

13. A Historic District Design Review was approved by staff as part of exterior building modifications enclosing a second story deck.

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.

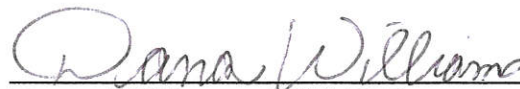
Conditions of Approval:

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 with the Summit County Recorder no later than February 12, 2014. If recordation has not occurred by February 12, 2014, this approval of the plat will be void.
3. Encroachment issues must be resolved prior to the recording of the plat.
4. Recordation of this plat must occur prior to 508 Main Street receiving final certificate of occupancy.

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

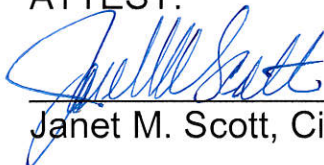
PASSED AND ADOPTED this 7th day of March, 2013.

PARK CITY MUNICIPAL CORPORATION

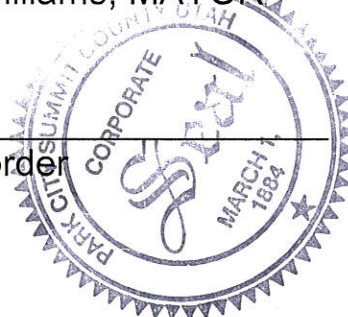


Dana Williams, MAYOR

ATTEST:



Janet M. Scott, City Recorder



APPROVED AS TO FORM:



Mark D. Harrington, City Attorney

