

Ordinance No. 13-07

**AN ORDINANCE APPROVING THE 1492 PARK AVENUE SUBDIVISION PLAT
LOCATED AT 1492 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 1492 Park Avenue, has petitioned the City Council for approval of the Subdivision; 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 February 13, 2013, to receive input on the proposed subdivision;

WHEREAS, the on February 13, 2013 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on February 28, 2013, the City Council held a public hearing on the proposed subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 1492 Park Avenue Subdivision.

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 1492 Park Avenue Subdivision 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 at 1492 Park Avenue, Park City.
2. The site is within the Historic Residential-Medium Density (HRM) District.
3. The metes and bounds parcel is approximately 8,414 square feet in size.
4. The proposed one-lot subdivision does not increase the change the boundaries of the parcel. Currently, the parcel is 62.95 feet wide along Park Avenue, its western boundary. It is 121.85 feet long along the north side yard, 66 square feet along the east rear yard, and 129.92 feet long along the south side yard.
5. Per LMC 15.2.4-4, the Minimum Lot Area for non-residential Uses shall be determined by the Planning Commission during the Conditional Use review. The use of the property has always been non-residential, the structure is pre-existing, the size of the property is not changing and the size of the lot is appropriate for the non-

residential use, therefore the minimum lot size shall be 8,414 square feet. The current lot size is comparable to other commercial sites in the district.

6. The proposed use of the existing building as "Office, General" is not a permitted use in a non-historic building in the HRM District.
7. On September 26, 2012, Planning Director Thomas Eddington made a determination that the use of the building could continue being used for commercial/office use as a legal non-conforming use.
8. The existing structure has a footprint 4,544 square feet; however, the proposed alterations will increase the building's gross floor area to 6,694 square feet; however, the proposed modifications will not increase the existing building footprint.
9. There are minimum required Front, Rear, or Side Yard dimensions in the HRM District of fifteen feet (15'), ten feet (10'), and five feet (5'), respectively. There are setbacks associated with the HRM zone of which the parking lot and north and west sections of the building are located.
10. The existing structure currently has a two to four foot (2' - 4') setback increasing from north to south along the front yard, and a forty-three foot (43') rear yard setback. There is a zero foot (0') setback along the north side yard, and a twenty foot (20') setback on the south side yard.
11. A January 16, 2013 letter from the planning director addressed the non-complying status as to the north side yard setback.
12. According to LMC Section 15-9-6 (A), any Non-Complying Structure may be altered or enlarged, provided that such alteration or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.
13. The property is currently accessed from a driveway on Park Avenue. The driveway leads into a rear parking lot containing eleven (11) parking spaces.
14. Sullivan Road is a city-owned private driveway for City Park.
15. Sullivan Road shall not be used as an entrance. All ingress and egress shall be off Park Avenue. The applicant shall not contest the installation of curbs and landscaping along Sullivan Road.
16. The plat must be recorded before the City issues a Certificate of Occupancy.
17. The applicant requests approval of the subdivision application to create a legal lot of record in order to be able to construct the proposed improvements to the exterior, the basement, and the second floor.
18. The property located at 1492 Park Avenue is within the Soils Ordinance Boundary.
19. Prior to its demolition, the roof encroached two feet (2') across the north property line. In the reconstruction of the roof structure, the Building Department has requested that any snow shedding be resolved, or a snow shed agreement be obtained with the neighboring property. Similarly, the encroachment must be resolved or an encroachment agreement must be obtained.

20. On February 15, 2013, the Planning Director issued a second determination letter addressing the non-complying status of the front yard setbacks as well as a definition of razing.
21. According to the LMC Section 15-9-6(C), if a Non-Complying Structure is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the zone in which it is located.
22. Per the February 15, 2013 Determination Letter, the applicant will be required to reconstruct walls along the north, west, and east elevations; however, the building will not meet the definition of razed because the foundation and south elevation walls will remain.

Conclusions of Law:

1. There is good cause for this Subdivision.
2. The Subdivision 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 Subdivision.
4. Approval of the Subdivision, 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 record of survey for compliance with State law, the Land Management Code, and conditions of approval.
2. The applicant will record the plat at the County within one (1) year from the date of City Council approval. If recordation has not occurred within one (1) year's time, this approval for the plat will be void, unless a request for an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. Plat must be recorded prior to issuance of a Certificate of Occupancy (CO).
4. Snow shedding must be resolved to the satisfaction of the Building Department, or a Snow Shed Easement of seven feet (7') will be required along the north property line.
5. Modified 13D sprinklers shall be required for all renovation/reconstruction.
6. Per the Soils Ordinance outlined in LMC 11-15-1 Park City Landscaping and Maintenance of Soil Coverage, a Certificate of Compliance must be obtained if the cap is disturbed. Currently, the approved HDDR application does not require a Certificate of Compliance because no excavation or soil will be disturbed.
7. All conditions of the September 23, 1997 variance apply, including that Sullivan Road is a city-owned private driveway for City Park and that Sullivan Road shall not be used as an entrance. All ingress and egress shall be off Park Avenue. The

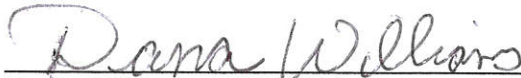
Applicant shall not contest the installation of curbs and landscaping along Sullivan Road.

8. A ten foot (10') public snow storage easement is required along the frontage of the property on Park Avenue.
9. All encroachments along the north property line must be resolved to the satisfaction of the Building Department or an Encroachment Agreement must be obtained.

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

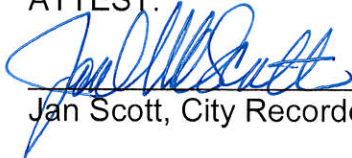
PASSED AND ADOPTED this 28th day of February, 2013.

PARK CITY MUNICIPAL CORPORATION

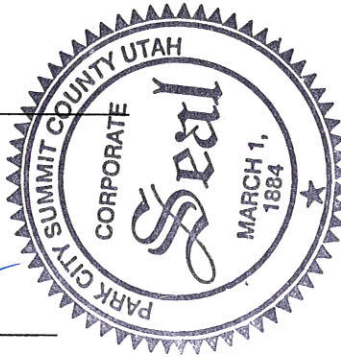


Dana Williams, MAYOR

ATTEST:



Jan Scott, City Recorder



APPROVED AS TO FORM:

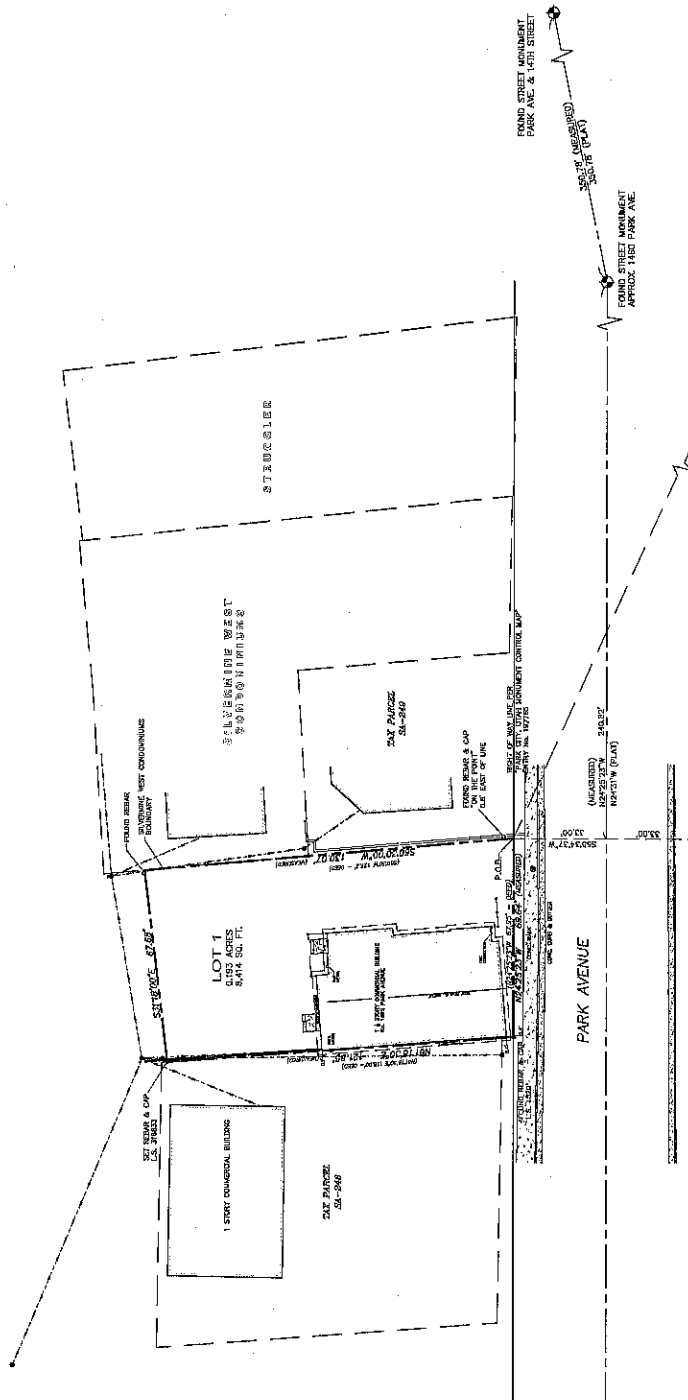


Mark Harrington, City Attorney

Exhibit A

1492 PARK AVENUE SUBDIVISION PLAT

LOCATED IN THE
SOUTHWEST QUARTER OF SECTION 9,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASIN AND MERIDIAN
SUMMIT COUNTY, UTAH



- LEGEND**
- FOUND MARK & CAP (AS NOTED)
 - SET MARK & CAP (AS NOTED)
 - STREET MENTHENT
 - SECTION CORNER
 - UTILITY POLE
 - TELEPHONE FURNISH
 - LIGHT POLE
 - ROADWAY LINE
 - ALDING PARCEL LINE
 - BOUND OF WAY LINE
 - HOA/WAY CENTERLINE
 - OVERHEAD POWER LINE

NOTES

1. ALL DIMENSIONS ARE IN FEET AND INCHES.

2. THE BOUNDARY BETWEEN THIS PLAT AND THE ADJACENT PLAT TO THE WEST IS THE CENTERLINE OF THE 1492 PARK AVENUE.

3. THE BOUNDARY BETWEEN THIS PLAT AND THE ADJACENT PLAT TO THE EAST IS THE CENTERLINE OF THE 1492 PARK AVENUE.

4. THE BOUNDARY BETWEEN THIS PLAT AND THE ADJACENT PLAT TO THE SOUTH IS THE CENTERLINE OF THE 1492 PARK AVENUE.

5. THE BOUNDARY BETWEEN THIS PLAT AND THE ADJACENT PLAT TO THE NORTH IS THE CENTERLINE OF THE 1492 PARK AVENUE.

LEGAL DESCRIPTION

SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, SUMMIT COUNTY, UTAH. THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, SUMMIT COUNTY, UTAH. THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASIN AND MERIDIAN, SUMMIT COUNTY, UTAH.

OWNER'S DECLARATION AND CONSENT TO RECORD

I, the undersigned, being the owner of the above described premises, do hereby consent to the recording of this plat and the subdivision of the above described premises into the lots and parcels hereinafter described.

Dated this _____ day of _____, 2012.

By: _____
Name: _____
Title: _____

APPROVED

By: _____
Title: _____

RECORDS CLERK

By: _____
Title: _____

NOTARY PUBLIC

By: _____
Title: _____

COMMISSION EXPIRES

On: _____

CONSENT TO RECORD

By: _____
Title: _____

RECORDS CLERK

By: _____
Title: _____

NOTARY PUBLIC

By: _____
Title: _____

COMMISSION EXPIRES

On: _____

RECORDS CLERK

By: _____
Title: _____

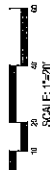
NOTARY PUBLIC

By: _____
Title: _____

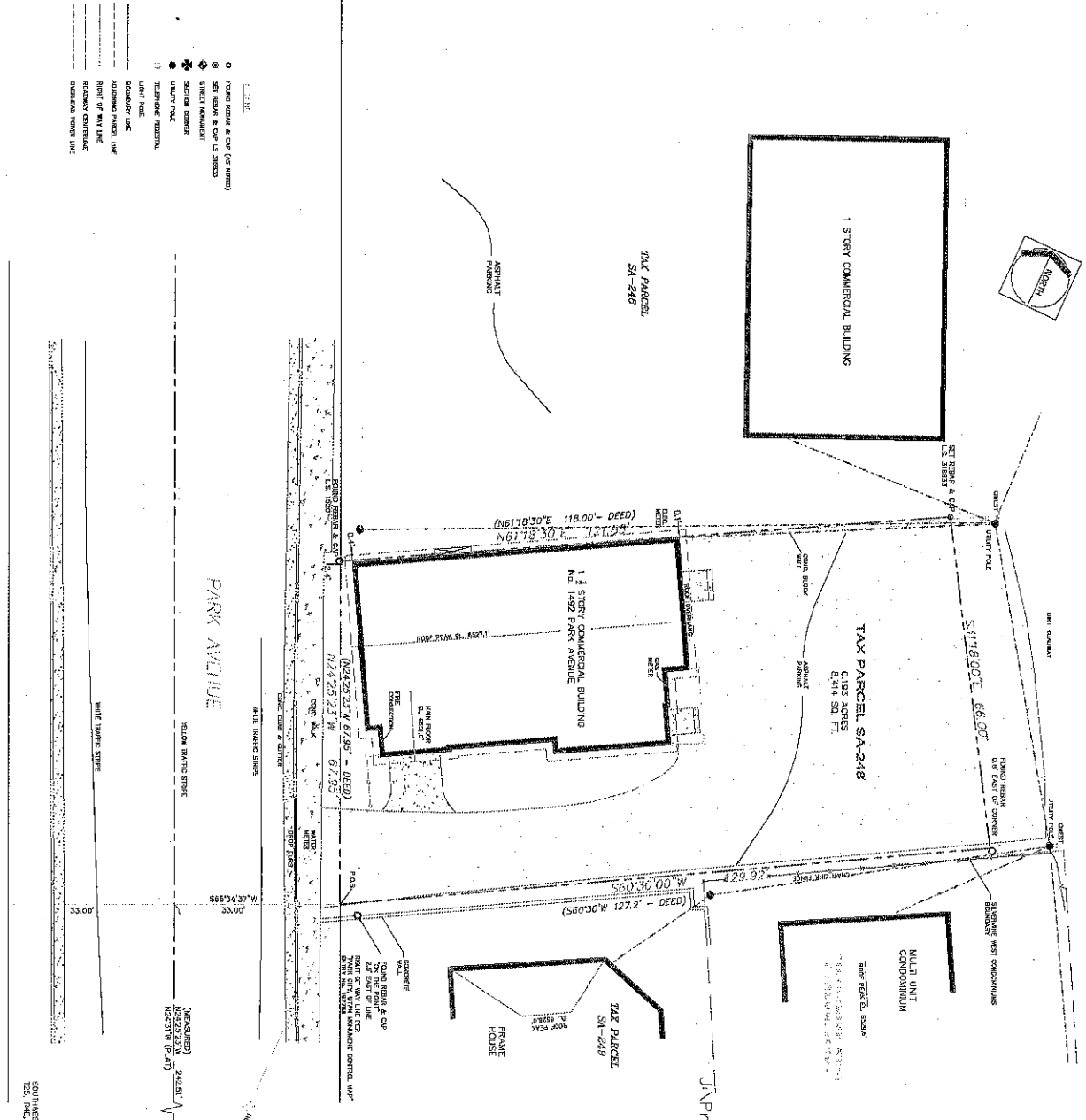
COMMISSION EXPIRES

On: _____

**1492 PARK AVENUE
SUBDIVISION PLAT**



<p>CERTIFICATE OF ATTEST</p> <p>I, COUNTY CLERK OF SUMMIT COUNTY, UTAH, do hereby certify that the foregoing is a true and correct copy of the original as recorded in my office, this _____ day of _____, 2012.</p> <p>By: _____ Title: COUNTY CLERK</p>	<p>CITY PLANNING COMMISSION</p> <p>APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2012.</p> <p>By: _____ Title: PLANNING COMMISSION CHAIRMAN</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE</p> <p>I, PARK CITY COUNCIL, do hereby approve and accept this plat, this _____ day of _____, 2012.</p> <p>By: _____ Title: MAYOR</p>	<p>CITY ENGINEER</p> <p>I, PARK CITY ENGINEER, do hereby approve this plat, this _____ day of _____, 2012.</p> <p>By: _____ Title: PARK CITY ENGINEER</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS THIS _____ DAY OF _____, 2012.</p> <p>By: _____ Title: DISTRICT MANAGER</p>	<p>APPROVAL AS TO FORM</p> <p>APPROVED AS TO FORM OF THIS MAP OF _____ COUNTY OF SUMMIT COUNTY, UTAH, this _____ day of _____, 2012.</p> <p>By: _____ Title: PARK CITY ATTORNEY</p>	<p>RECORDED</p> <p>RECORD NO. _____ BOOK _____ PAGE _____</p> <p>STATE OF _____ COUNTY OF SUMMIT</p> <p>RECORDED AND FILED IN MY OFFICE AT _____</p>
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LEGAL DESCRIPTION

Beginning at a point 154.93 feet East and 423.19 feet North of the Southwest Corner of Section 14 and 420 feet North of the Southwest corner of Section 17, Township 2 South, Range 4 East, Salt Lake Meridian and running thence North 23°00' East 68 feet thence North 61°17'00" East 118 feet thence North 61°17'00" East 100 feet thence South 69°20' West 122.2 feet to the point of last end and accepting hereafter of all subsequent rights, with all mines and minerals, here and hereafter to be found, together with all other rights and interests, the above granted premises, together with their heirs.

SURVEY DESCRIPTION

Beginning at a point 154.93 feet East and 423.19 feet North of the Southwest Corner of Section 14 and 420 feet North of the Southwest corner of Section 17, Township 2 South, Range 4 East, Salt Lake Meridian and running thence North 23°00' East 68 feet thence North 61°17'00" East 118 feet thence North 61°17'00" East 100 feet thence South 69°20' West 122.2 feet to the point of last end and accepting hereafter of all subsequent rights, with all mines and minerals, here and hereafter to be found, together with all other rights and interests, the above granted premises, together with their heirs.

SHARPOFF'S CERTIFICATE

I, Sharon S. Campbell, do hereby certify that I am a Professional Land Surveyor and that I hold Certificate No. 31623 as prescribed under the laws of the State of Utah. I have personally supervised and observed the making of this survey from first field observations and reports to the existing conditions and boundaries as of the date of survey, September 21, 2012.

NARRATIVE

The survey was prepared for Steve Ury. The purpose of the survey is to locate the boundary improvements and adjacent improvements, and to locate the corners.

The subject parcel and adjoining parcels with the Subsequent Mark Campbell, hereinafter referred to as "the subject parcel" or "the subject parcel" or "the subject parcel" are shown on the plat. The bearings and distances of the subject parcel and adjoining parcels are shown on the plat. The bearings and distances of the subject parcel and adjoining parcels are shown on the plat.

The north-south line was established by the monument of Park City Municipal Corp., and recorded on Entry No. 197705.

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The survey data and show building setbacks, easements, or underground utilities. The survey data and show building setbacks, easements, or underground utilities.

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