

Ordinance No. 13-33

**AN ORDINANCE APPROVING THE 1103 LOWELL AVENUE PLAT AMENDMENT EXTENSION AT 1103/1105 LOWELL AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 1103/1105 Lowell Avenue has petitioned the City Council for approval of the 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 held a public hearing on July 25, 2012, to receive input on the 1103 Lowell Avenue plat amendment; and

WHEREAS, the Planning Commission, on July 25, 2012, forwarded a positive recommendation to the City Council on the 1103 Lowell Avenue plat amendment; and,

WHEREAS, on August 9, 2012, the City Council held a public hearing to receive input on the 1103 Lowell Avenue plat amendment; and,

WHEREAS, on August 9, 2012, the City Council approved the 1103 Lowell Avenue plat amendment; and,

WHEREAS, on September 12, 2013, the City Council held a public hearing to receive input on the plat amendment extension; and,

WHEREAS, it is in the best interest of Park City, Utah to approve the 1103 Lowell Avenue plat amendment extension.

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

**SECTION 1. APPROVAL.** The 1103 Lowell Avenue 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 1103/1105 Lowell Avenue.
2. The site is within the HR-1 District
3. The property owner requests to combine all of Lot 1 & Lot 2, portion of Lot 3, 30, 31 & 32, Block 34, Snyder's Addition into one (1) lot of record.
4. The area currently identified by the Summit County as parcel no. SA-321-A.
5. Currently the site contains a three (3) story duplex.

6. The structure was built in 1978.
7. The subject area contains portion of lot 30, 31, and 32 do not have access to a right-of-way.
8. The proposed subdivision plat creates one (1) lot of record consisting of 8,680 square feet.
9. The minimum lot area for a single family dwelling is 1,875 square feet.
10. The minimum lot area for a duplex is 3,750 square feet.
11. When the structure was built a two-family building (duplex) was an allowed use.
12. Currently a duplex is a conditional use.
13. The current use of the property is considered legal non-conforming.
14. The minimum lot width allowed in the district is twenty-five feet (25').
15. The proposed width is sixty-two feet (62').
16. The proposed lot combination meets the lot and site requirements of the HR-1.
17. The duplex does not meet current LMC standards for side setbacks and building height, i.e. vertical articulation.
18. The current building on the site is considered legal non-complying.
19. The area of the lot combination is consistent with the lots on the western side of Lowell Avenue.
20. The use is also consistent as this portion of Lowell Avenue has various duplex and condominiums on the north and the south of the subject site.
21. The Plat Amendment was approved by the City Council on August 9, 2012.
22. The applicant was to record the plat amendment 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, the plat amendment 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.
23. Land Management Code § 15-7.1-6(C)(5) indicates that applicants may request time extensions of City Council plat amendment approvals by submitting in writing to the Planning Department prior to the expiration of the approval.
24. On July 31, 2013 a writing request was submitted to the City to asking for a one year extension. The written request was filled prior to the expiration date.
25. 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 that would result in a finding of non-compliance with the General Plan or the LMC in effect.
26. The plat amendment extension contains no modifications to the approved plat amendment.
27. Staff finds that the findings of fact, conclusions of law and conditions of approval from the approved plat amendment are still valid.

Conclusions of Law:

1. There is good cause for this Subdivision Plat as the lot lines going through the building will be removed, remnant parcels will become part of the legal lot of record. And the proposed lot will be consistent with the Lowell Avenue west portion of the street.
2. The Subdivision Plat is consistent with the Park City Land Management Code,

- The General Plan, and applicable State law regarding Subdivision Plats.
3. Neither the public nor any person will be materially injured by the proposed Subdivision Plat.
  4. Approval of the Subdivision plat amendment, subject to the conditions stated below, does not adversely affect the health, safety and welfare of the citizens of Park City.
  5. There is good cause for this plat amendment extension as the written request was submitted to the City prior to the expiration date.
  6. No change in circumstance results in an unmitigated impact or that would result in a finding of non-compliance with the General Plan or the Land Management Code.


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 July 26, 2014. If recordation has not occurred, 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. All new construction will require modified 13-D sprinklers,
4. A ten feet (10') wide public snow storage easement will be required along the front of the property.

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

PASSED AND ADOPTED this 12 day of September, 2013.

PARK CITY MUNICIPAL CORPORATION

  
\_\_\_\_\_  
Dana Williams, MAYOR

ATTEST:

  
\_\_\_\_\_  
Marci Heil, City Recorder



APPROVED AS TO FORM:



Mark Harrington, City Attorney

**Attachment A – Proposed Plat**

**SIMPLIFIED CERTIFICATE**

I, John A. Snyder, hereby certify that the plat of the subdivision of Block 34, Snyder's Addition to Park City Survey, as shown on the attached plat, is in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Title 2, Utah Code, and that the same has been approved by the Park City Council on this day of May, 2012, and that the same is being filed for record in the Office of the County Clerk, Salt Lake County, Utah, for the purpose of recording the same.



John A. Snyder  
Professional Engineer

**BOUNDARY DESCRIPTION**

Block 34, Snyder's Addition to Park City Survey, is a subdivision of the land of Salt Lake County, Utah, as shown on the attached plat, and is bounded by the following: North by the line of Block 33, Snyder's Addition to Park City Survey, South by the line of Block 35, Snyder's Addition to Park City Survey, East by the line of Block 32, Snyder's Addition to Park City Survey, and West by the line of Block 31, Snyder's Addition to Park City Survey.

**OWNERS DEDICATION AND CONSENT TO RECORD**

I, John A. Snyder, hereby certify that the plat of the subdivision of Block 34, Snyder's Addition to Park City Survey, as shown on the attached plat, is in accordance with the provisions of the Utah Subdivision Map Act, Chapter 2, Title 2, Utah Code, and that the same has been approved by the Park City Council on this day of May, 2012, and that the same is being filed for record in the Office of the County Clerk, Salt Lake County, Utah, for the purpose of recording the same.

Name: John A. Snyder  
Owner:  
City of Park City  
County of Salt Lake

**ACKNOWLEDGMENT**

I, John A. Snyder, Clerk of the Park City Council, do hereby certify that the above described plat of the subdivision of Block 34, Snyder's Addition to Park City Survey, was presented to the Park City Council on this day of May, 2012, and that the same was approved by the Council on this day of May, 2012.

A Notary Public commissioned in Utah  
Name: John A. Snyder  
City: Park City  
County: Salt Lake

**NOTE**

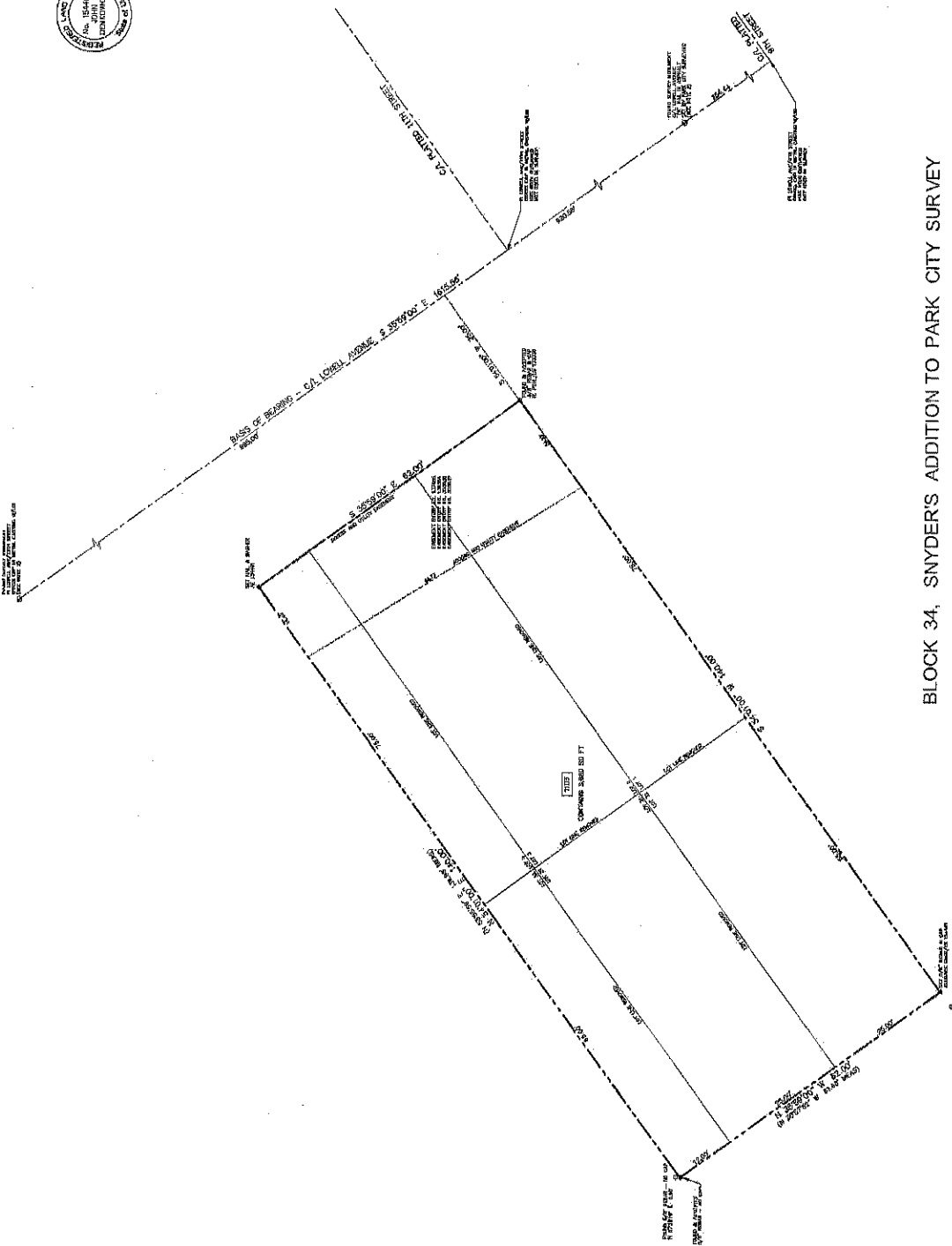
- 1. The owner and utility easement shown on this plat are shown as shown on the attached plat.
- 2. The owner and utility easement shown on this plat are shown as shown on the attached plat.

FILED D  
SALT LAKE COUNTY, UTAH  
OFFICE OF THE COUNTY CLERK

**1103 LOWELL AVENUE PLAT AMENDMENT**

BLOCK 34, SNYDER'S ADDITION TO PARK CITY SURVEY

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16  
TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1 FILED IN: Salt Lake County, Utah OFFICE OF THE COUNTY CLERK		RECORDED STATE OF UTAH COUNTY OF SALT LAKE AND FILED DATE: _____ TIME: _____ SOCK: _____ PAGE: _____
COUNCIL APPROVAL AND ACCEPTANCE APPROVAL BY ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ 2012 A.D. BY: _____ Mayor	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SUBMITTAL TO THE PARK CITY COUNCIL THIS _____ DAY OF _____ 2012 A.D.	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____ 2012 A.D.
ENGINEERS CERTIFICATE I AND I WITH WORDS ON FILE IN MY OFFICE IN IS _____ DAY OF _____ 2012 A.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____ 2012 A.D.	ENGINEERS CERTIFICATE I AND I WITH WORDS ON FILE IN MY OFFICE IN IS _____ DAY OF _____ 2012 A.D.
SNYDERVILLE BASIN WATER REGULATION DISTRICT REVERSED FOR COMPLIANCE TO SNYDERVILLE BASIN WATER REGULATION DISTRICT SANITARIUM SD 118 DAY OF _____ 2012 A.D. BY: _____ S.W.P.R.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____ 2012 A.D.	ENGINEERS CERTIFICATE I AND I WITH WORDS ON FILE IN MY OFFICE IN IS _____ DAY OF _____ 2012 A.D.