

**Ordinance No. 13-47**

**AN ORDINANCE APPROVING A MODIFICATION 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 a modification 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 then taken to extend the application until Staff discovered that the extension had not been processed;

WHEREAS, the City Council held a public hearing on March 7, 2013, to receive input on the 508 Main Street Subdivision plat amendment extension and approved the extension until February 12, 2014;

WHEREAS, the applicant applied for modification on August 1, 2013, the applicant submitted a formal request to modify the previously approved subdivision plat amendment due to not being able to obtain an encroachment agreement from their neighbors to the south (510 Main Street);

WHEREAS, the Planning Commission held a public hearing on October 23, 2013, to receive input on the 508 Main Street Subdivision plat amendment modification and forwarded a positive recommendation to the City Council;

WHEREAS, the City Council held a public hearing on November 14, 2013, to receive input on the 508 Main Street Subdivision plat amendment modification;

WHEREAS, it is in the best interest of Park City, Utah to modify 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. On March 7, 2013, the City Council held a public hearing and voted unanimously to approve the proposed 508 Main Street subdivision plat amendment extension to February 12, 2014.
5. On August 1, 2013, the applicant submitted a formal request to modify the previously approved subdivision plat amendment due to not being able to obtain an encroachment agreement from their neighbors to the south (510 Main Street).
6. The property is located at 508 Main Street in the Historic Commercial Business (HCB) zoning district.
7. There is an existing historic structure on the property, identified as Landmark on the Historic Sites Inventory.
8. The subject property encompasses all of Lot 2 of Block 24 of the Park City Survey, 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.
9. The historic building encroaches onto Lot 1 in the southeast corner by 0.3 feet (3.6 inches) and in the southwest corner by 0.1 feet (1.2 inches). The City is the property owner of Lot 1 and the City Engineer has agreed to sign an encroachment agreement with the owner of Lot 2.
10. The historic building encroaches onto Lot 3 in the northeast corner by 0.09 feet (1.08 inches) and the northwest corner by 0.2 feet (2.4 inches). The encroachments onto Lot 3 are de minimus and an encroachment agreement between the property owners of Lot 2 and Lot 3 was sought by the property owner of Lot 2 but could not be obtained.
11. The proposed amended plat would result in one lot of record of 2,975 square feet.
12. The proposed plat amendment will not create substandard lots on the neighboring property.

13. 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.
14. 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:

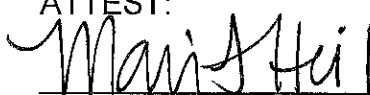
1. The City Attorney and City Engineer will review and approve the final form and content of the plat amendment for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the plat.
2. The applicant will record the plat amendment at the County within one year from the date the City Council approved the extension of the plat amendment. If recordation has not occurred by February 12, 2014, this approval for the plat will be void.
3. Recordation of this plat must occur prior to 508 Main Street receiving final certificate of occupancy.
4. A note shall be placed on the plat that states that "the historic building encroaches onto Lot 3 in the northeast corner by 0.09 feet (1.08 inches) and the northwest corner by 0.2 feet (2.4 inches). Park City has determined that such encroachment is de minimus, and an encroachment agreement is not required."

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

PASSED AND ADOPTED this 14 day of November, 2013.

PARK CITY MUNICIPAL CORPORATION

  
Dana Williams, MAYOR

ATTEST:  
  
Marci Heil, City Recorder



APPROVED AS TO FORM:

  
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Mark Harrington, City Attorney