

**AN ORDINANCE APPROVING THE 1138 LOWELL AVENUE SUBDIVISION
SECOND AMENDED PLAT, LOCATED AT 1138 LOWELL AVENUE, PARK CITY,
UTAH.**

WHEREAS, the owners of the property known as the 1138 Lowell Avenue Subdivision located at 1138 Lowell Avenue, have petitioned the City Council for approval of the 1138 Lowell Avenue Subdivision Second Amended plat; 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 according to the Land Management Code; and

WHEREAS, the Planning Commission held a public hearing on March 12, 2014 to receive input on the proposed subdivision;

WHEREAS, on March 12, 2014 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on April 3, 2014 the City Council held a public hearing on the proposed Fluter Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 1138 Lowell Avenue Subdivision Second Amended plat.

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 1138 Lowell Avenue Subdivision Second Amended plat, as shown in Exhibit A, 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 1138 Lowell Avenue within the Historic Residential (HR-1) District.
2. The 1138 Lowell Avenue Subdivision was approved by City Council on May 1, 2003 and recorded on April 19, 2004 combining Lots 25 and 26 into one (1) lot of record.
3. The City Council approved the 1138 Lowell Avenue Subdivision First Amended plat on August 24, 2006 and was recorded on June 4, 2007 subdividing the combined lots (as was historically Lots 25 and 26) into Lots 1 and 2 of the 1138 Lowell Avenue Subdivision First Amended Plat.

4. On January 29, 2014, the applicants submitted an application for a plat amendment to once again combine the two (2) lots containing a total of 3,750 square feet into one (1) lot of record.
5. The application was deemed complete on February 13, 2014.
6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single family dwelling and 3,750 square feet for a duplex.
7. The maximum footprint allowed in the HR-1 zone is 1,519 square feet for the proposed lot based on the lot area of the lot.
8. The property has frontage on and access from Lowell Avenue.
9. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations except for the existing non-conforming southerly side yard setback of 2.82 feet.
10. The existing non-conforming northerly side yard setback of 2.76 feet will be eliminated with the approval of the proposed plat amendment.
11. The plat amendment secures public snow storage easements across the frontage of the lot.

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 of City Council approval. If recordation has not occurred within one year's time, this approval for the plat will be void, unless a complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.
3. No building permit for any work shall be issued unless the applicant has first made application for a Historic District Design Review and a Steep Slope CUP application if applicable.
4. Modified 13-D sprinklers will be required for new construction by the Chief Building Official at the time of review of the building permit submittal and shall be noted on the final mylar prior to recordation.
5. A 10 foot (10') wide public snow storage easement is required along the frontage of the lots with Lowell Avenue and shall be shown on the plat.

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

PASSED AND ADOPTED this 3rd day of April, 2014

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

ATTEST:



Marci Heil, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney



