

Ordinance No. 15-01

AN ORDINANCE APPROVING THE 923 PARK AVENUE SUBDIVISION PLAT AMENDMENT LOCATED AT 923 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 923 Park 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 December 10, 2014, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on December 10, 2014, forwarded a positive recommendation to the City Council; and,

WHEREAS, on January 8, 2015, the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the 923 Park Avenue Subdivision Plat Amendment.

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

SECTION 1. APPROVAL. 923 Park Avenue 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. The property is located at 923 Park Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of all of Lot 6, the northerly eight (8) feet of Lot 5, and a portion of Lot 28, Block 3, Snyder's Addition.
4. The entire area is recognized by the County as Parcel SA-13.
5. The site is listed on Park City's Historic Site Inventory and is designated as a significant historic site.
6. The building footprint of the existing dwelling is approximately 997 square feet.
7. The proposed plat amendment creates one (1) lot of record from the existing area consisting of 2,625 square feet.
8. A single-family dwelling is an allowed use in the Historic Residential (HR-1) District.
9. The minimum lot area for a single-family dwelling is 1,875 square feet.

10. The proposed lot meets the minimum lot area for a single-family dwelling.
11. The minimum lot width allowed in the district is twenty-five feet (25').
12. The proposed lot is thirty three feet (33') wide.
13. The proposed lot meets the minimum lot width requirement.
14. The existing historic structure does not meet the north side yard setback. The structure is one-and-one-half feet (1½) from the north side yard property line.
15. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
16. LMC § 15-2.2-4 indicates that additions to historic structure must comply with building setbacks, etc.
17. The site contains a small encroachment of a timber retaining wall of approximately four feet (4') in height which sits on the rear portion of the rear neighbor, 918 Woodside Avenue.
18. The retaining wall encroaches approximately six inches (6") over the rear property line onto the subject site.
19. The applicant is currently working with the rear neighbor to issue an encroachment agreement.
20. The submitted title report indicates a pole line easement recorded with the county in 1959.
21. The pole line easement is in favor of Utah power and light company as is currently shown on the proposed plat.
22. The property owner is currently working with Rocky Mountain Power to remove this pole line easement as it is currently not in use.
23. The site is partially located in a FEMA Flood Zone X.
24. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
2. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
3. 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 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 at the County within one year from the date of City Council approval. If recordation has not occurred within one (1) years' 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. A ten feet (10') wide public snow storage easement will be required along the front of the property.
4. The applicant shall resolve the wood tie retaining wall which encroaches onto their

property from 918 Woodside Avenue by providing an encroachment agreement to the neighboring property owner or by removing the wood tie retaining wall encroachment before plat recordation.

5. The applicant shall resolve the pole line easement recorded with the county. The property owner is currently working with Rocky Mountain Power to remove this pole line easement as it is currently not in use. If the applicant fails to remove this pole line easement prior to plat recordation, it shall be noted on the plat. If the easement is removed then it shall not be shown on the plat.

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

PASSED AND ADOPTED this 8th day of January, 2015.

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

ATTEST:



Marci Heil, City Recorder



APPROVED AS TO FORM:



Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Attachment 1 - Proposed Plat



OWNER'S CERTIFICATE

I, Marvin A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 493729, as prescribed by the laws of the State of Utah, and that by virtue of said certificate I am duly qualified to perform the duties of a Surveyor. I have surveyed and prepared this plat for the subdivision of the above described land and that the same has been or will be monumented on the ground as shown on this plat. I further certify that the information on this plat is correct.

BOUNDARY DESCRIPTION

All of Lot 6 and the Northern 40% (40) feet of Lot 5, Block 3, Snyder's Addition to Park City, according to the official plat thereof on file and of record in the Summit County Recorder's office.

and
 The Eastern 18.75 feet of the Northern 8.00 feet of Lot 28, Block 3, Snyder's Addition to Park City, according to the official plat thereof on file and of record in the Summit County Recorder's office.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that EZ Executive Holdings, LLC, a Utah limited liability company, the undersigned owner of the herein described tract of land located at 923 Park Avenue, Park City, Utah, does hereby certify that it has executed the Plat hereon shown for its proposed subdivision and does hereby consent to the recording of this Plat.

In witness whereof, the undersigned set his hand this _____ day of _____, 2015.

Andrew J. Nielson, Manager
 EZ Executive Holdings, LLC

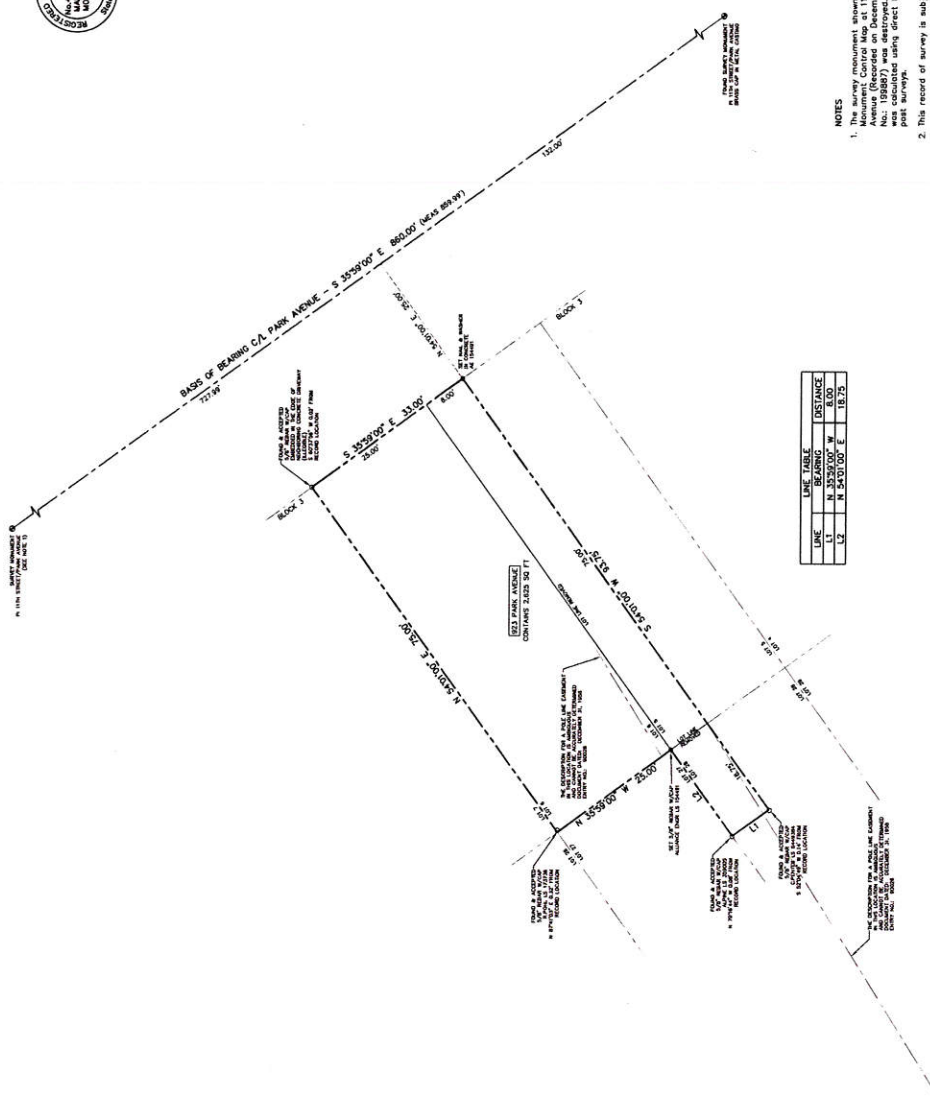
ACKNOWLEDGMENT

State of: _____
 County of: _____

On this _____ day of _____, 2015, Andrew J. Nielson, Manager of EZ Executive Holdings, LLC, a Utah limited liability company, and county clerk before me, the undersigned Notary Public, in and for said state and county, personally appeared _____, a member of EZ Executive Holdings, LLC, a Utah limited liability company, and _____, who together with the above Owner's Dedication and Consent to Record hereby and voluntarily.

A Notary Public commissioned in Utah

Printed Name _____
 Residing in _____
 My commission expires _____



LINE	BEARING	DISTANCE
1	N 24°37'00\"/>	

NOTES

- The survey monument shown on the Park City Monument Control Map at 11th Street and Park Avenue (S 11th Street and Park Avenue) No. 199877 was destroyed. The monument location was determined using direct tie from field notes of past surveys.
- This record of survey is subject to the conditions of approval in Ordinance _____.

BLOCK 3, SNYDER'S ADDITION TO PARK CITY SURVEY 923 PARK AVENUE SUBDIVISION

LOCATED IN THE NORTHEAST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 10 EAST AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1

<p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____</p>	<p>COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR</p>	<p>CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ PARK CITY RECORDER</p>	<p>APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ATTORNEY</p>
<p>ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON RECORD IN THE OFFICE THIS _____ DAY OF _____, 2015 BY _____ PARK CITY ENGINEER</p>	<p>PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIRMAN</p>	<p>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2015 BY _____ S.E.W.R.D.</p>	<p>(435) 468-1447 223 East Street, P.O. Box 8947, Park City, Utah 84302-2947</p>