

Ordinance 15-05

**AN ORDINANCE APPROVING THE 74 & 80 DALY AVENUE SUBDIVISION PLAT,
LOCATED AT 74 & 80 DALY AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property known as the 74 & 80 Daly Avenue Subdivision located at 74 & 80 Daly Avenue, have petitioned the City Council for approval of the 74 & 80 Daly Avenue Subdivision 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 February 11, 2015 to receive input on the proposed subdivision;

WHEREAS, on February 11, 2015 the Planning Commission forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 5, 2015 the City Council held a public hearing on the proposed 74 & 80 Daly Avenue Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the proposed 74 & 80 Daly Avenue Subdivision 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 74 & 80 Daly Avenue Subdivision 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 plat is located at 74 & 80 Daly Avenue within the Historic Residential (HR-1) District.
2. The 74 & 80 Daly Avenue Subdivision consists a portion of Lot 9, Lot 10, a portion of Lot 11 and a portion of the vacated Anchor Avenue located in Block 74 of the Park City Survey.
3. On February 28, 2012 the City received a previous application by a previous owner of this property for a two lot subdivision plat amendment. After three meetings at the Planning Commission the Commission voted 4-1 to forward a negative recommendation to the City Council due to concerns of compatibility and issues with the owner of 68 Daly, Pete Henderson. The City Council discussed the item on

August 30, 2012 and decided to continue the item to their October 25, 2012 meeting. The previous applicant then pulled their application on October 9, 2012 in order to work through the concerns discussed by the City Council.

4. On August 1, 2014, the current owner and applicant submitted an application for a plat amendment to subdivide parcels containing a total of 5,643.92 sf into two (2) lots of record. Lot A will consist of 2,200.80 sf and Lot B will consist of 3,443.12 sf.
5. The application was deemed complete on December 11, 2014.
6. The parcels at 74 & 80 Daly Ave are currently vacant.
7. The HR-1 zone requires a minimum lot area of 1,875 sf for a single-family dwelling.
8. The maximum footprint allowed in the HR-1 zone is 972.4 sf for the proposed Lot A and 1,418.7 sf for the proposed Lot B based on the lot area of the lots.
9. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations.
10. The property to the northwest (68 Daly Ave) currently has an existing single-family home built in 1982 which has an existing deck encroaching in two places over the lot lines onto the proposed Lot A. An encroachment agreement was recorded July 15, 2014 as Entry No. 998906 in Book 2248 at Page 1048 of Official Records.
11. The property directly to the northwest (68 Daly Ave) also contains a concrete pad, concrete stairs, wood steps and a landing leading to the existing single-family home which are built directly adjacent to the lot line shared with the proposed 74 Daly Ave. No encroachment permits are needed as this stairway does not encroach onto the property at 74 Daly Ave.
12. The property directly to the south (84 Daly Ave) contains an existing single-family home that comes within inches of the proposed property lines. No encroachment permits will be needed as the existing home does not cross the property line, however, a 6 foot side setback will be required for any new home constructed on Lot B.
13. The plat amendment secures public snow storage easements of ten (10') feet across the frontage of the lots.
14. A 20 foot wide temporary construction easement exists along the south portion of Lot B. The temporary construction easement will need to be removed prior to Building Permit approval. The temporary construction easement shall not be abandoned until all necessary utilities within the adjacent sewer and utility easements are installed.
15. There is a 5 foot wide sewer easement and 6 foot wide utility easement along the south edge of 80 Daly.

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.

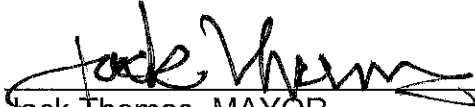
Conditions of Approval:

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 until the plat is recorded and until the Historic District Design Review and Steep Slope CUP, if required, applications are submitted and approved for each lot.
4. No building permit for any work shall be issued on Lot B until the temporary construction easement is abandoned on Lot B.
5. 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.
6. A ten foot (10') wide public snow storage easement is required along the frontage of the lots with Daly Avenue and shall be shown on the plat.

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

PASSED AND ADOPTED this 5 day of March, 2015

PARK CITY MUNICIPAL CORPORATION



Jack Thomas, MAYOR

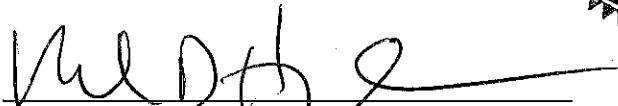
ATTEST:



Marci Heil, City Recorder



APPROVED AS TO FORM:



Mark Harrington, City Attorney

