

Ordinance No. 15-51

**AN ORDINANCE APPROVING THE 217 & 221 PARK AVENUE PLAT AMENDMENT
LOCATED AT 217 & 221 PARK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 217 & 221 Park Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on October 28, 2015 the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on October 24, 2015 proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on November 11, 2015, to receive input on plat amendment; and

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

WHEREAS, on December 3, 2015 the City Council held a public hearing to receive input on the plat amendment; and

WHEREAS, there is good cause and it is in the best interest of Park City, Utah to approve the 217 & 221 Park Avenue Plat Amendment.

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

SECTION 1. APPROVAL. 217 & 221 Park Avenue 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 217 & 221 Park Avenue.
2. The property is in the Historic Residential (HR-1) District.
3. The subject property consists of Lot 5 and Lot 6, Block 2, Amended Plat of the Park City Survey.
4. The lot line adjustment will modify the area of the existing two (2) lots (Lot 5R and Lot 6R as proposed). The lot line common to Lot 5 and Lot 6 will be adjusted 0.17 feet (0.17') south of the existing common lot line location.
5. Existing Lot 6 is a substandard lot; therefore, by adjusting the common lot line, both lots will maintain at least the minimum lot size required for the HR-1 District.
6. Lot 5 and Lot 6 are owned by the applicant.
7. The proposed plat amendment creates two (2) legal lots of record containing the minimum lot area required in the HR-1 zone.

8. As proposed, Lot 5R contains 2,044.8 SF. As proposed, Lot 6R contains 1,875 SF.
9. A single-family dwelling is an allowed use in the Historic Residential 1 (HR-1) District.
10. The minimum lot area for a single-family dwelling is 1,875 square feet.
11. The lots do not meet the requirements for a duplex (minimum lot size of 3,750 square feet), which is a Conditional Use in the HR-1 zone.
12. The minimum lot width allowed in the HR-1 District is twenty-five feet (25'). As proposed Lot 5R is 27.47 feet (27.47') wide and Lot 6R is 25.17 feet (25.17') wide. The proposed lots meet the minimum lot width requirement.
13. The minimum side yard setbacks for a twenty-five foot (25') wide lot are three feet (3'), six feet (6') total.
14. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, as dictated by Condition of Approval #4.
15. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue, as dictated by Condition of Approval #5.
16. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #6.
17. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue, as dictated by Condition of Approval #7.
18. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners, as dictated by Condition of Approval #8.
19. The proposed plat amendment will not cause undo harm to adjacent property owners.
20. The proposed lot areas of 2,044.8 square feet (Lot 5R) and 1,875 square feet (Lot 6R) are compatible lot dimensions as the entire Historic Residential-1 District has abundant sites with the similar dimensions.
21. Lot 5R will have a maximum building footprint of 911.4 square feet. Lot 6R will have a maximum footprint of 844 square feet.
22. To redeveloping the lots, a Historic District Design Review (HDDR) application shall be reviewed and approved by the Planning Staff.
23. On September 28, 2015, the applicant applied for a Plat Amendment application for 217 & 221 Park Avenue; the application was deemed complete on October 13, 2015.

24. The Planning Commission reviewed the plat amendment on November 11, 2015, and forwarded a positive recommendation to City Council with a unanimous vote of 6-0 in favor of the plat amendment.
25. 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.

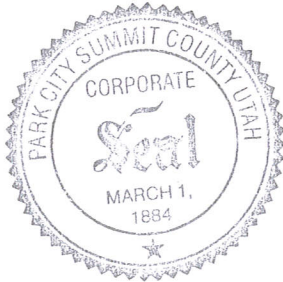
Conditions of Approval:

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 Park Avenue frontage of the property and shall be shown on the plat prior to recordation.
4. The eave of the non-historic house located at 213 Park Avenue which encroaches over the south property line of Lot 5 can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue.
5. The rock retaining wall associated with the non-historic house located at 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 213 Park Avenue
6. The concrete stairs located on the north property line of Lot 6 near the northwest corner of the Lot can either be removed or the applicant will have to enter into an encroachment agreement with the property owner of 225-235 Park Avenue.
7. The concrete retaining wall located on Lot 6 that parallels Park Avenue and extends over the north property line onto the property of the Park Palace Condominiums located at 225-235 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the property owner(s) of 225-235 Park Avenue.
8. The wood retaining wall located on the west property line of Lot 5 that encroaches onto the properties of 220 Woodside Avenue, 214 Woodside Avenue, and 213 Park Avenue can either be removed or the applicant will have to enter into an encroachment agreement with the respective property owners.

9. 13-D sprinklers are required for any new construction or significant renovation of existing.

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

PASSED AND ADOPTED this 3rd day of December, 2015.



PARK CITY MUNICIPAL CORPORATION


Jack Thomas, MAYOR

ATTEST:

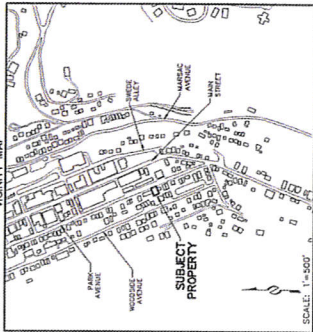

Michelle Kellogg, City Recorder

APPROVED AS TO FORM:


Mark Harrington, City Attorney

Attachment 1 – Proposed Plat

Exhibit A: Proposed Plat



SURVEYOR'S CERTIFICATE

Martin A. Merrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 4938720. I have reviewed the plat and the information on the ground as shown on this plat. I have compared the plat with the original survey records and the information on the ground as shown on this plat. I have further certify that the information on the ground as shown on this plat is accurate.

BOUNDARY DESCRIPTION

All of lots 5 and 6, Block 2, Amended Plat of Park City Survey, according to the official plat thereof, recorded April 23, 1979 as Entry No. 155224 of the official records in the State of the Summit County Recorder.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL MEN BY THESE PRESENTS that David J. Houston, the undersigned owner of the above described property, does hereby certify that he has caused this Plat to be prepared, and does hereby consent to the recording of this Plat. In witness whereof, the undersigned set his hand this _____ day of _____, 2016.

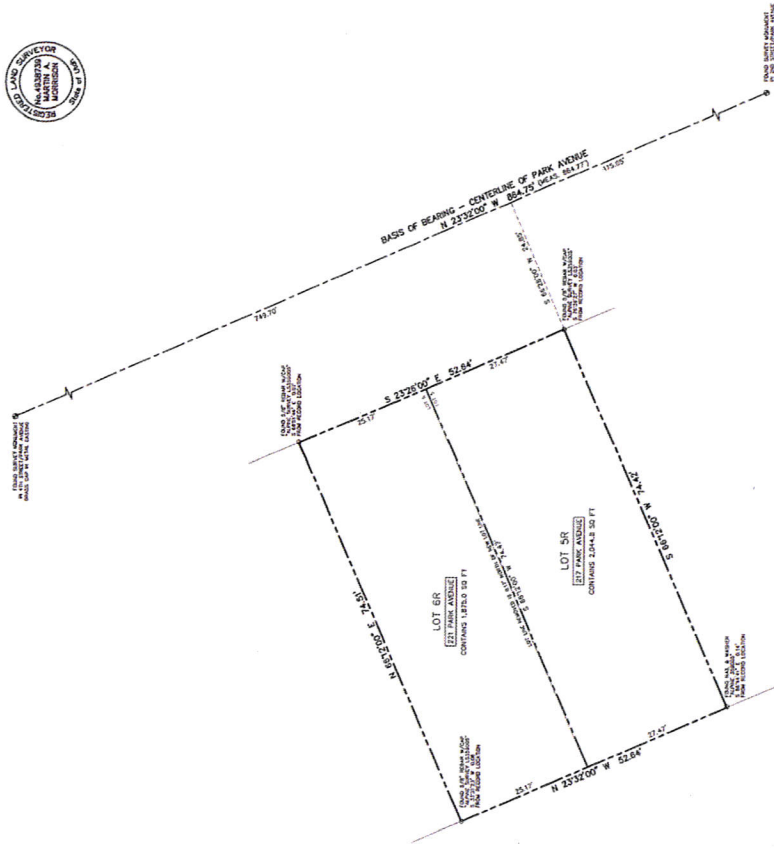
David J. Houston

ACKNOWLEDGMENT

On this _____ day of _____, 2016, the undersigned, _____, not her sole clerk, and _____, having been duly sworn, David J. Houston acknowledged to me that he is the owner of the above described property and that he signed the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in Utah

Printed Name: _____
 Residing in: _____
 My commission expires: _____



AN AMENDMENT OF PLATTED LOTS
 LOTS 5 & 6 IN BLOCK 2, PARK CITY SURVEY
217 & 221 PARK AVENUE PLAT AMENDMENT

LOCATED IN SECTION 16
 EAST 1/4, RANGE 40S AND MERIDIAN
 TOWNSHIP 2 SOUTH, PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1 FILE NO. 15-1-15 FILE # 15-1-15-15 FILE # 15-1-15-15		RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ DATE _____ TIME _____ ENTRY NO. _____ FEE _____ RECORDER _____
CERTIFICATE OF ATTEST I, _____, CLERK OF THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016 BY _____ PARK CITY RECORDER	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2015 BY _____ MAYOR	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ATTORNEY
ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016 BY _____ PARK CITY ENGINEER	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2015 BY _____ CHAIR	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016 BY _____ S.B.W.E.D.

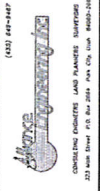
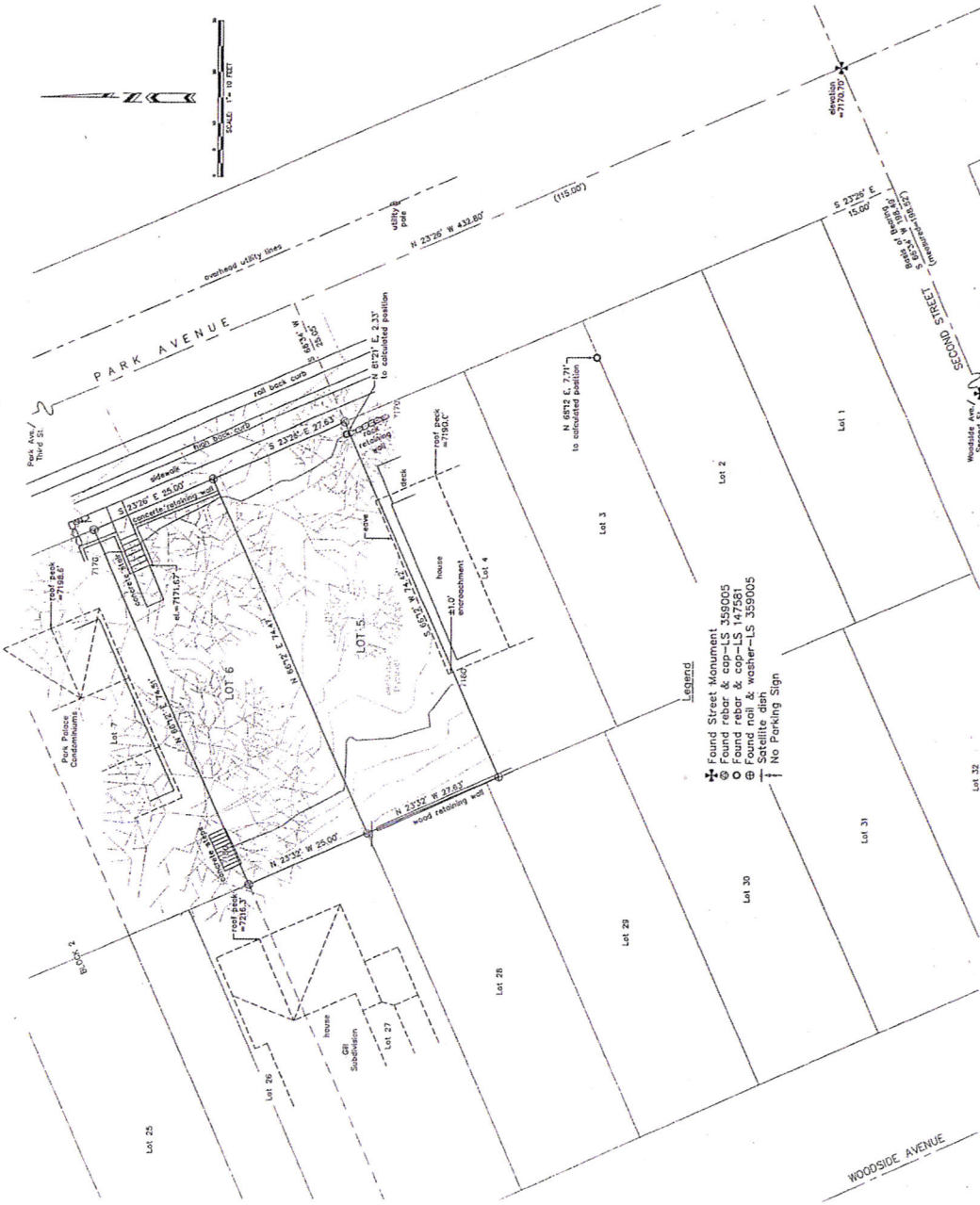


Exhibit B: Existing Survey

**Park City Survey
Block 2, Lots 5 & 6**



NARRATIVE

1. Survey requested by: David Houston.
2. The survey locates the improvements and the topographic relief.
3. Basis of the survey: found street monuments as shown.
4. See the official plat for the Park City Survey and the Monument Control Map of Park City Recorded as Entry No. 198687 in the office of the Summit County Recorder.
5. Located in the Southeast Quarter of Section 16, Township 2 South, Range 4 East, Salt Lake Base & Meridian.
6. The owner of the property should be aware of any items affecting the property that may appear in a title insurance report.
7. See the previous survey of this property, by Alpine Survey, Inc., recorded in the office of the Summit County Recorder.
8. Elevations are based on an elevation of 7170.70 feet at the Street Monument found at the intersection of 2nd Street and Park Avenue, from the Park City Monument Control Map.

DEED DESCRIPTION

All of Lots 5 & 6, Block 2, Park City Survey, according to the official plat thereof, on file and of record in the office of the Summit County Recorder.

SURVEYOR'S CERTIFICATE

I, J.D. Gailey, a Registered Land Surveyor as prescribed by the Utah State Board of Professional Licensing License #LS 359005, do hereby certify that I have supervised and approved the description of said property and that this plat is a true representation of said survey.



J.D. Gailey
Date



Alpine Survey, Inc.
19 Provoester Drive
Provo, Utah 84606
(435) 436-0900

RECEIVED
OCT 12 2015
PARK CITY
PLANNING DEPT.