

**Ordinance No. 15-56**

**AN ORDINANCE APPROVING THE FIRST AMENDED UPPER NORFOLK  
SUBDIVISION PLAT AMENDING CONDITIONS OF APPROVAL ON ORDINANCE  
NO. 06-55 AT 259, 261, 263 NORFOLK AVENUE, PARK CITY, UTAH.**

WHEREAS, the owners of the property located at 259, 261, 263 Norfolk Avenue, have petitioned the City Council for approval of the First Amended Upper Norfolk Subdivision Plat Amendment; and

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

WHEREAS, the executed and recorded temporary construction access easement agreement (document no. 00793227) expired on December 31, 2009; and

WHEREAS, the three (3) lots need to have specific construction mitigation due to the narrowness of built Norfolk Avenue and steepness of the neighborhood; and

WHEREAS, Ordinance No. 06-44 approving the Upper Norfolk Subdivision authorized the three (3) lot Plat Amendment with specific findings of fact and conclusion of law.

WHEREAS, Ordinance No. 06-44 indicated specific conditions of approval regarding construction access from King Road through the adjacent property to the west, as per submitted construction easement agreements.

WHEREAS, this ordinance amends Ordinance No. 06-44 due to the expiration of construction easement agreements and certain facts have changed.

WHEREAS, proper notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on March 25, 2015, and June 24, 2015, to receive input;

WHEREAS, the Planning Commission, on June 24, 2015, forwarded a positive recommendation to the City Council; and,

WHEREAS, on July 19, 2015, the City Council conducted a public hearing and reviewed the First Amended Upper Norfolk Subdivision Plat Amendment; and

WHEREAS, it is in the best interest of Park City, Utah to approve the First Amended Upper Norfolk 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 existing plat amendment is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact:

1. The properties are located at 259/261/263 Norfolk Avenue.
2. Prior to 2006, the property was platted as the 'Upper Norfolk Condominiums'
3. There was an existing triplex structure located on the property.
4. The existing structure did not conform to the height and setback requirements of the Historic Residential-1 District.
5. The applicant demolished the triplex structure in 2010.
6. The applicant vacated the existing 'Upper Norfolk Condominiums' plat.
7. Through Ordinance 06-55 the applicant established three (3) lots of record - identified on the recorded plat as Lot 1, Lot 2, and Lot 3.
8. Lot 1 and Lot 2 measure 40.67 feet by 69.15 feet and contain 2812.33 square feet.
9. Lot 3 measures 39.98 feet at the front, 51.07 feet at the rear, 69.15 feet on the south side and 70.03 feet on the north side.
10. The proposed access to the lots is from Norfolk Avenue on the north side of the property.
11. The three (3) proposed lots would share one (1) driveway.
12. The proposed lots are for the purposes of building single-family dwellings.
13. The proposed lots appear to have slopes of greater than 30%. If they do, based upon a certified survey of existing conditions at the time of Historic District Design Review application, they would be subject to Conditional Use Permit, Construction on a steep slope review by the Park City Planning Commission as indicated on the Land Management Code.
14. There is sufficient area on the Lots and the obtained temporary construction easement to conduct construction staging.
15. Upper Norfolk Avenue is substandard, narrow street on steep hillsides.
16. On-street and off-street parking in the Norfolk Avenue /Upper Norfolk Avenue area is significantly limited due to the steep, narrow streets and lack of shoulder areas.
17. Snow removal and emergency access to the Norfolk Avenue /Upper Norfolk Avenue neighborhood is frequently difficult to maintain due to the steep, narrow streets and existing high on-street parking demand.
18. LMC § 15-7-6: Subdivisions – General Provisions, Conditions authorizes the City to attach reasonable conditions to land subdivisions which relate to design, dedication, improvement, and restrictive land use so as to conform to the physical and economic development of Park City and to the safety and general welfare of future lot owners in the subdivision and the community at large.
19. Accessory apartments are conditional uses in the HR-1 District and require one parking space per bedroom.
20. Accessory apartments would increase the parking demand in the Norfolk | Upper Norfolk Avenue neighborhood
21. In July 2006 the City Council approved the Upper Norfolk Subdivision plat by Ordinance 06-55.
22. The plat was recorded at Summit County on June 01 2007.

23. The property owners request to remove the following two (2) conditions of approval from Ordinance 06-55:
  4. Construction access to the lots is to be from King Road through the adjacent property to the west, as per the submitted construction easement agreements.
  5. The construction easement agreements must be finalized and submitted to the city prior to receiving building permits.
24. All other conditions of approval in Ordinance 06-55 will remain in effect.
25. Conditions of approval 4 and 5 stipulated that construction access would be from King Road via a construction access that would cross separately owned adjacent property.
26. The access was made possible through a temporary construction access easement agreement that expired in December 2009, and the owners have not secured an extension of this easement.
27. The temporary construction access easement agreement was executed and recorded in October 2006. The easement terminated in December 2009.
28. The applicant has indicated that construction for the three (3) single-family dwellings would take place at the same time.
29. The proposed temporary construction easement over 220 King Road, behind the subject site, is set to terminate in two (2) years or less from the construction initiation.
30. Cross access easement for the three (3) lots would also need to be executed prior to construction as the lots are built upon the available space is reduced.
31. The dimension of the Lots will not change with this Plat Amendment. The only change to the Upper Norfolk Subdivision by this First Amended Upper Norfolk Subdivision will be the plat notes and conditions of approval as contained herein.
32. The remaining conditions of approval shall continue to apply to the site. These three (3) conditions include:
  - The lots are to be used for the construction of single family houses.
  - A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issuance of a building permit.
  - A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots.
33. Staff recommends adding a condition of approval that indicates that the applicant shall submit a detailed existing conditions landscape plan or survey of the staging area prior to any construction. When the work is finished, the applicant shall be responsible of re-landscaping the disturbed area.
34. The Park City Building Department has reviewed the applicant's proposed mitigation in detail and does not find that any additional items to be addressed at this time.

#### Conclusions of Law:

1. There is good cause for this Plat Amendment to amend the conditions of approval of executed ordinance no. 06-55 and add notes to the plat due to the expiration of the recorded temporary construction access easement.
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.
3. The following conditions of approval from Ordinance No: 06-55 shall continue to apply.
  - The lots are to be used for the construction of single-family houses
  - A Utility/Grading plan is required to be reviewed and approved by the City Engineer prior to issuance of a building permit
  - A note shall be added to the plat prior to recordation that prohibits accessory apartments on the newly created lots
4. An agreement must be entered into with the City Engineer concerning any construction staging which occurs within platted but un-built Upper Norfolk Right-of-Way. No access and/or staging shall take place north of a line perpendicular to platted Norfolk Avenue from the northeast corner of 263 Norfolk.
5. Prior to plat recordation, each lot will grant the other two (2) lots construction access easements which shall be executed and recorded and which will not expire until all single-family dwelling structures are built.
6. Prior to plat recordation, the Temporary Construction Access Easement on 220 King language shall be drafted appropriately, and if necessary, the applicant shall work with the easement signee to record an accurate description of the work area identified as Exhibit D on the Easement.
7. The applicant shall submit a detailed existing conditions landscape plan and survey of the staging area prior to any construction. When the work is finished, the applicant shall be responsible of re-landscaping the disturbed area.
8. The applicant shall build all three (3) units at the same time. Building permits will only be granted simultaneously for all three lots.
9. Staging area has been secured along the rear of the properties of approximately 2,000 square feet.
10. Materials shall not be staged on the street.
11. No parking shall be permitted anywhere other than on the shared private drive and on the lots themselves. Neighborhood parking space shall not be used. The applicant shall not request any street parking passes.
12. No vehicles shall back up or down Upper Norfolk as there is sufficient room to turn all the vehicles around.
13. The applicant shall store spoils from the excavation and reuse it for back fill to reduce the loads out of the site.
14. The applicant shall encourage car-pooling to further reduce traffic.
15. The applicant shall not allow any vehicles to queue on Upper Norfolk.

16. No road closures other than utility upgrades shall be needed.
17. All deliveries and unloading shall be off the shared driveway, and shall not block the street.
18. All other normal Construction Mitigation Plan requirements in Old Town shall apply.

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

PASSED AND ADOPTED this 16 day of July, 2015.

PARK CITY MUNICIPAL CORPORATION

  
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Jack Thomas, MAYOR

ATTEST:

  
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Michelle Kellogg, City Recorder



APPROVED AS TO FORM:

  
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Mark Harrington, City Attorney