

**Ordinance No. 2016-26**

**AN ORDINANCE APPROVING THE 844 EMPIRE AVENUE PLAT AMENDMENT  
LOCATED AT 844 EMPIRE AVENUE, PARK CITY, UTAH.**

WHEREAS, the owner of the property located at 844 Empire Avenue has petitioned the City Council for approval of the Plat Amendment to combine Lot 12, most of Lot 13, and a portion of Lot 14, Block 14, of the Snyder's Addition to the Park City Survey ; 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 public hearings on March 23, April 13, and May 11, 2016, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on May 11, 2016, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 2, 2016, 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 844 Empire Avenue Plat Amendment.

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

**SECTION 1. APPROVAL.** 844 Empire 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 844 Empire Avenue.
2. The property is in the Historic Residential-1 (HR-1) District.
3. The subject property consists of all of Lot 12, most of Lot 13, and a portion of Lot 14, Block 14, Snyder's Addition to the Park City Survey.
4. The site is listed on Park City's Historic Building Inventory as a significant site.
5. The proposed Plat Amendment creates one (1) lot of record from the existing three (3) parcels, one (1) full lot and two (2) partial lots consisting of a total of 4,174 square feet.
6. A portion of the property is encumbered by the Crescent Tram Road which has been used since the late 1800s and was paved in the early 1970s.

7. The City requests that the property owner formalize the dedication to the City that portion of the Crescent Tram prescriptive easement area that is on subject property. This area consists of 932 square feet.
8. The proposed lot would be 3,242 square feet.
9. A single-family dwelling is an allowed use in the District.
10. The minimum lot area for a single-family dwelling is 1,875 square feet.
11. The proposed lot meets the minimum lot area for a single-family dwelling.
12. The minimum lot width allowed in the District is twenty-five feet (25').
13. The proposed lot is approximately thirty one feet (31') wide.
14. The proposed lot meets the minimum lot width requirement.
15. Per LMC § 15-4-17 the Planning Director has determined the following setbacks:
  - a. From 9<sup>th</sup> Street, platted un-built ROW, front yard, ten feet (10') minimum. This is the historic front of the structure.
  - b. From Empire Avenue, front yard, ten feet (10') minimum.
  - c. From Crescent Tram, front yard, ten feet (10') minimum.
  - d. From the south neighbor, rear yard, ten feet (10') minimum. This side is opposite of the historic front of the house.
  - e. From the east neighboring property, side yard, five feet (5') minimum.
16. The existing historic structure does not meet the minimum setbacks along the north side, platted un-built 9<sup>th</sup> Street ROW, as the structure was built on the property line.
17. The existing historic structure does not meet the minimum setbacks along the shared property line with the neighboring site on the south as it is approximately eight and a half feet (8.5').
18. The existing historic structure does not meet minimum setbacks along the Crescent Tram ROW dedication as it is approximately five feet (5') from the new property line after the dedication.
19. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures; however, additions must comply with building setbacks.
20. The concrete retaining wall encroaches across the north property line over the 9<sup>th</sup> Street ROW.
21. The proposed lot area consisting of 3,242 square feet yields a maximum Building Footprint of 3,151.0 square feet.
22. LMC § 15-7.3-4(1)(2) Widening and Realignment of Existing Roads indicates that where a subdivision borders an existing narrow road for realignment or widening, the Applicant shall be required to improve and dedicate at his expense such Areas for widening or realignment of such roads.
23. LMC § 15-7.3-4(1)(2) indicates that land reserved for any road purposes may not be counted in satisfying yard or Area requirements contained in the Land Management Code.
24. Utah Code, Transportation Code, Right-Of-Way Act § 72-5-104 declares that a highway (street or road, not including an area principally used as a parking lot) is dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of ten (10) years.
25. Crescent Tram has continuously been used as a public thoroughfare for much

- longer than the required ten (10) years.
26. LMC § 15-2.2-3(D) indicates that the maximum Building Footprint is calculated according to the following formula for Building Footprint:  $MAXIMUM FP = (A/2) \times 0.9^{A/1875}$ , where FP = maximum Building Footprint and A = Lot Area.
  27. The proposed lot area shown on the attached requested Plat Amendment displays that the proposed lot is to contain 3,242 square feet, which would yield a maximum Building Footprint of 1,351.0 square feet.
  28. In order to provide a future vehicular access to 844 Empire Avenue, the City Engineer has indicated that the existing intersection at Empire Avenue and Crescent Tram needs to be re-designed and improved.
  29. The current site does not have vehicular access.
  30. The future vehicle access is for the sole benefit of 844 Empire Avenue.
  31. All of the costs associated with the re-design and improvements are the burden of the property owner.
  32. The intersection currently works as-built, without vehicular access to 844 Empire Avenue.
  33. The City Engineer has indicated that a vehicular access can only be accommodated off Empire Avenue or through platted un-built 9<sup>th</sup> Street.
  34. The City Engineer is not willing to support vehicular access directly off Crescent Tram.
  35. The City's Historic Site Inventory designated the site in the significant category.
  36. Historic Structures that do not comply with Off-Street parking and driveway location standards are valid Complying Structures.
  37. Additions to Historic Structures are exempt from Off-Street parking requirements provided the addition does not create a Lockout Unit or an Accessory Apartment.
  38. There is good cause for this Plat Amendment as the lot line going through a historic structure will be removed, 932 square feet will be dedicated to the City for the Crescent Tram road for public use, the requested Plat Amendment will not cause undo harm to adjacent property owners, and all requirements of the Land Management Code can be met.
  39. The proposed lot area of 3,242 square feet is a compatible lot combination as the entire Historic Residential-1 District has abundant sites with these approximate dimensions in this neighborhood.
  40. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

#### 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 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 foot (10') wide public snow storage easement will be required along the Empire Avenue front of the property.
4. Fire sprinklers shall be required for all new construction or substantial renovations, as determined by the Park City Building Department during building permit review.
5. Drive access to the site shall be from Empire Avenue or through platted un-built 9<sup>th</sup> Street in a location approved by the City Engineer.
6. The concrete retaining wall built over the north property line shall be resolved prior plat recordation. The applicant bears the burden of proper approvals for the retaining wall, which may include an encroachment agreement with the City through the City Engineer's office, or relocation/removal of the retaining wall, subject to compliance with applicable Design Guidelines for Historic Sites through a Historic District Design Review application.
7. The plat shall formalize the dedication of the Crescent Tram which has been used as right of way for more than 10 years.

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

PASSED AND ADOPTED this 2<sup>nd</sup> day of June, 2016.

PARK CITY MUNICIPAL CORPORATION



  
\_\_\_\_\_  
Jack Thomas, MAYOR

ATTEST:

  
\_\_\_\_\_  
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



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Mark Harrington, City Attorney

**Attachment 1** – Proposed Plat Amendment

# Attachment 1 - Proposed Plat Amendment



STATE OF UTAH  
 PROFESSIONAL ENGINEER  
 MATT MORRISON  
 LICENSE NO. 28143

STATE OF UTAH  
 REGISTERED LAND SURVEYOR  
 MATT MORRISON  
 LICENSE NO. 214633

**SURVEYOR'S CERTIFICATE**

I, Matt A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 214633 in the State of Utah. I have personally surveyed and prepared this record of Survey map of 844 EMPIRE AVENUE PLAT AMENDMENT and that the same has been or will be monumented on the ground or shown on the plat. I further certify that the information on this plat is accurate.

**BOUNDARY DESCRIPTION**

Lot 12, Block 14, Snyder's Addition to Park City.

Also, a part of Lot 13 and 14, Block 14, Snyder's Addition to Park City described as follows: Beginning at the Southwest corner of Lot 11, Block 14, and running thence South 54°01' East 75 feet; thence South 32°59' East 8.6 feet; thence South 78°30' East 56.2 feet; thence North 54°01' East 37 feet; thence North 32°59' West 59 feet to the point of beginning.

Book 283, at page 298, of Official Records, more particularly described as follows: Beginning at the Northeast corner of Lot 14, Block 14, Snyder's Addition to Park City, Utah; and running thence South 54°01' East 75 feet; thence South 32°59' East 8.6 feet; thence South 78°30' East 56.2 feet; thence North 54°01' East 37 feet; thence North 32°59' West 59 feet to a point on the Northern boundary of said Lot 14, thence North 54°01' East along said Northern boundary of Lot 14, 27.87 feet to the point of beginning.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that Todd M. Gilbert, the undersigned owner of the herein described tract of land, to be known hereafter as 844 EMPIRE AVENUE and does hereby consent to the recording of this Plat to be prepared, and all that he or she may hereafter do in connection with the recording of this Plat to the City of Park City, Utah, and to the City of Summit, Utah, and to the City of Salt Lake City, Utah, in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned has hereunto set his hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Todd M. Gilbert

**ACKNOWLEDGMENT**

State of \_\_\_\_\_, County of \_\_\_\_\_.

On this \_\_\_\_\_ day of \_\_\_\_\_, 2016, Todd M. Gilbert personally appeared before me, the undersigned Notary Public, in and for said state and county, having been duly sworn, Todd M. Gilbert acknowledged to me that he is the owner of the herein described tract of land, and that he executed the above Offer of Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in \_\_\_\_\_.

Printed Name \_\_\_\_\_

Residing in \_\_\_\_\_

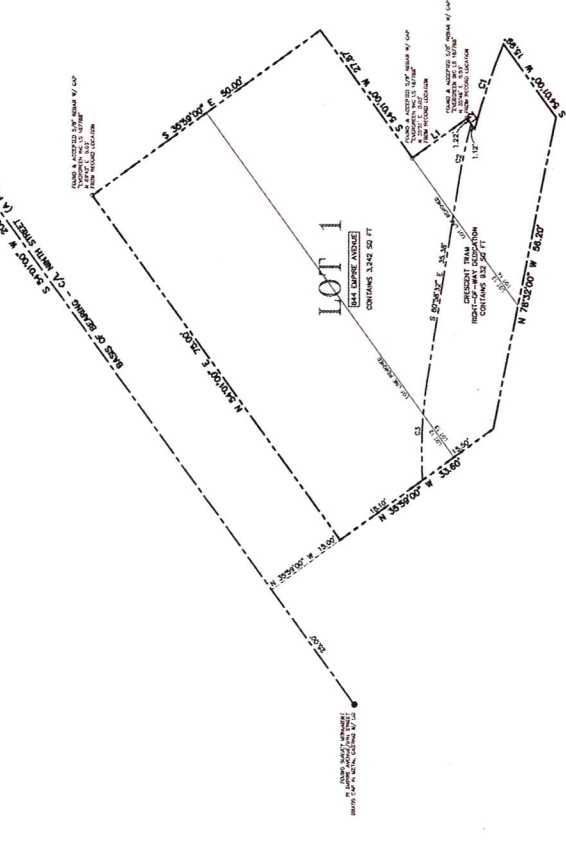
My commission expires: \_\_\_\_\_

**NOTE**

This subdivision is subject to the Conditions of Approval in Ordinance 15-\_\_\_\_\_.

LINE	BEARING	DISTANCE
1	S 54°01' E	75.00
2	S 32°59' E	8.60
3	S 78°30' E	56.20
4	N 54°01' E	37.00
5	N 32°59' W	59.00

CURVE	RADIUS	LENGTH	DELTA
C1	100.00	15.84	07°07'39"
C2	100.00	15.84	07°07'39"
C3	71.20	19.87	12°30'07"



## A PARCEL COMBINATION PLAT A COMBINATION OF LOT 12 AND PART OF LOTS 13 AND 14 IN BLOCK 14, SNYDER'S ADDITION TO PARK CITY SURVEY 844 EMPIRE AVENUE PLAT AMENDMENT

LOCATED IN SECTION 16  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

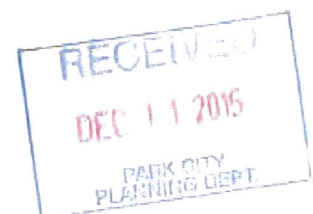
	<p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b>                  REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016.                  BY _____ S.B.W.E.D.</p>	<p><b>PLANNING COMMISSION</b>                  APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016.                  BY CHAIR _____</p>	<p><b>ENGINEER'S CERTIFICATE</b>                  I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016.                  BY _____ PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b>                  APPROVED AS TO FORM THIS _____ DAY OF _____, 2016.                  BY _____ PARK CITY ATTORNEY</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b>                  APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016.                  BY _____ MAYOR</p>	<p><b>CERTIFICATE OF ATTEST</b>                  I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016.                  BY _____ PARK CITY RECORDER</p>
<p>FILE NO. 17-8-15 FILE NO. 17-8-15 FILE NO. 17-8-15 FILE NO. 17-8-15 FILE NO. 17-8-15 FILE NO. 17-8-15</p>						

SNYDER’S ADDITION TO PARK CITY SURVEY, BLOCK 14,  
LOT 12 AND PORTIONS OF LOTS 13 & 14,

(844 EMPIRE AVENUE)

PROJECT INTENT

Lot 12 and portions of Lots 13 & 14, Block 14, Snyder’s Addition to Park City Survey, (also known as 844 Empire Avenue) are owned by the same entity. The original lot lines from Snyder’s Addition to Park City Survey still exist between Lots 12 & 13 and between Lots 13 & 14. The owner desires to unify the property into one lot of record by extinguishing the existing lot line, with the ultimate goal of renovating the existing residence.





BY THE SURVEYOR'S OFFICE, THE SURVEY WAS MADE IN THE YEAR 2016.

**SURVEYOR'S CERTIFICATE**  
 Mark A. Morrison, certify that I am a Registered Land Surveyor and that I hold Certificate No. 12345. I have prepared this Record of Survey map of 844 EMPIRE AVENUE PLAT AMENDMENT and that the same has been laid out on the ground as shown on this plat. I further certify that the information on this plat is accurate.

**BOUNDARY DESCRIPTION**

Lot 12, Block 14, Snyder's Addition to Park City.  
 Also, a part of Lots 13 and 14, in Block 14, Snyder's Addition to Park City described as follows:  
 Beginning at the Southwest corner of Lot 11, Block 14, and running thence South 54°01' West 75 feet; thence South 54°01' West 150 feet; thence North 35°59' West 50 feet to the point of beginning.  
 Less and excepting the following land conveyed to Robert C. Ward and Margaret W. Ward, the wife, by deed, as shown in that certain Quit-Claim Deed recorded December 28, 1983, on Entry No. 214633, in Book 263, at page 298, of Official Records, more particularly described as follows:  
 Beginning at the Northeast corner of Lot 14, Block 14, Snyder's Addition to Park City, Utah; and running thence North 54°01' West 150 feet; thence South 54°01' West 75 feet; thence North 35°59' West 50 feet to a point on the Northern side of the Grant right-of-way (thence along said Northern side of the Grant right-of-way, being a 120 foot wide right-of-way, thence North 35°59' West 12 feet to a point on the Northern boundary of said Lot 14; thence North 54°01' East along said Northern boundary of Lot 14, 27.97 feet to the point of beginning.

**OWNER'S DEDICATION AND CONSENT TO RECORD**

KNOW ALL MEN BY THESE PRESENTS that Todd M. Gilbert, the undersigned owner of the herein described tract of land, to be known hereafter as 844 EMPIRE AVENUE, does hereby consent to the recording of this Plat, and does hereby consent to the recording of this Plat, in witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**ACKNOWLEDGMENT**

State of \_\_\_\_\_  
 County of \_\_\_\_\_  
 I, \_\_\_\_\_, of \_\_\_\_\_, Utah, do hereby certify that the above Owner's Dedication and Consent to Record freely and voluntarily.

A Notary Public commissioned in \_\_\_\_\_  
 Printed Name \_\_\_\_\_  
 Residing in \_\_\_\_\_  
 My commission expires \_\_\_\_\_

**NOTE**  
 This subdivision is subject to the Conditions of Approval in Ordinance 15-\_\_\_\_\_

LINE	BEARING	DISTANCE
L1	N 54°01'00" W	150.00
L2	N 35°59'00" E	50.00
L3	N 54°01'00" E	75.00

CURVE	RADIUS	LENGTH	DELTA
C1	150.00	15.84	07°07'29"

A PARCEL COMBINATION PLAT  
 A COMBINATION OF LOT 12 AND PART OF LOTS 13 AND 14 IN BLOCK 14, SNYDER'S ADDITION TO PARK CITY SURVEY  
**844 EMPIRE AVENUE PLAT AMENDMENT**



LOCATED IN SECTION 16  
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN  
 PARK CITY, SUMMIT COUNTY, UTAH



SHEET 1 OF 1

<p>844 EMPIRE AVENUE PLAT AMENDMENT                  17/17/16 100 No. 17-8-13 FILE N:\SnyderAddition\844\844013\10815.dwg</p>	<p><b>RECORDED</b>                  STATE OF UTAH, COUNTY OF SUMMIT, AND FILED                  AT THE REQUEST OF _____                  COUNCIL THIS _____ DAY OF _____, 2016                  ENTRY NO. _____                  BY _____                  FEE _____                  RECORDER _____</p>	<p><b>CERTIFICATE OF ATTEST</b>                  I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2016                  BY _____ MAYOR                  _____ PARK CITY ATTORNEY</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b>                  APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2016                  BY _____ MAYOR                  _____ PARK CITY ATTORNEY</p>
<p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b>                  REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2016                  BY _____ S.W.R.D.</p>	<p><b>PLANNING COMMISSION</b>                  APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2016                  BY _____ CHAIR</p>	<p><b>ENGINEER'S CERTIFICATE</b>                  I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2016                  BY _____ CHAIR</p>	<p><b>APPROVAL AS TO FORM</b>                  APPROVED AS TO FORM THIS _____ DAY OF _____, 2016                  BY _____ MAYOR</p>