

Ordinance No. 2018-34

AN ORDINANCE APPROVING THE GARDNER PARCEL-FIRST AMENDED SUBDIVISION LOCATED AT 1135 NORFOLK AVENUE, PARK CITY, UTAH.

WHEREAS, the owner of the property located at 1135 Norfolk Avenue has petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on May 9, 2018, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on May 5, 2018, proper legal notice was published according to requirements of the Land Management Code and courtesy letters were sent to surrounding property owners; and

WHEREAS, the Planning Commission held a public hearing on May 23, 2018, to receive input on plat amendment; and

WHEREAS, the Planning Commission, on May 23, 2018, forwarded a positive recommendation to the City Council; and,

WHEREAS, on June 21, 2018, 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 1135 Norfolk Avenue Plat Amendment, located at the same address.

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

SECTION 1. APPROVAL. The 1135 Norfolk Avenue Plat Amendment, located at the same address and 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 1135 Norfolk Avenue.
2. The site contains all of Lots 8 and 9 and the south half of Lot 10, Block 17 of the Snyder's Addition to Park City The property is in the Historic Residential (HR-1) District.
3. This site is listed on Park City's Historic Sites Inventory (HSI) and is designated as Significant.
4. The Plat Amendment removes two (2) interior lot lines.
5. The proposed Plat Amendment combines the property into one lot of record.

6. The minimum Lot Size for a single-family dwelling is 1,875 square feet in the HR-1 zone. The proposed lots meet the minimum lot area for single-family dwellings as it will create a lot containing 4,687.5 square feet.
7. The total lot size and width will be larger than neighboring single-family lots; however, development on this lot is limited due to the location of the historic house on the site, which limits additional development to the rear of the historic house.
8. A single-family dwelling is an allowed use in the District.
9. The minimum width of a Lot is 25 feet measured 15 feet back from the Front Lot Line. The proposed lot meets the minimum lot width requirement at 62.50 feet.
10. LMC § 15-2.2-4 indicates that historic structures that do not comply with building setbacks are valid complying structures.
11. The minimum front/rear yard setbacks are 10 feet (10'); there is a non-historic shed in the backyard that has a 5 foot rear yard setback and complies with the allowed rear yard setback of 1 foot for Accessory Buildings less than 18 feet in height, per LMC 15-2.2-3(G)(6). There is a 0 foot front yard setback as a non-historic concrete garage encroaches over the front property line and into the City's right-of-way.
12. The minimum side yards are 5 feet for a total of 14 feet. The existing site has a side yard setback of 5 feet along the north property line, but 0 feet along the south property line. The non-historic concrete garage encroaches into the neighboring property to the south.
13. There are several existing encroachments on site. The existing non-historic concrete garage encroaches approximately 2 feet into the City right-of-way and approximately 1.5 feet into the property directly to the south at 1121 Norfolk Avenue. There are concrete retaining walls built into the right-of-way and into the neighboring property at 1121 Norfolk Avenue. There is also a railroad tie retaining wall that encroaches over the property west property line and into the neighboring property. The Victorian Village Condominiums. Finally, it appears that the Victorian Village Condominiums built a composite staircase that bisects the northwest corner of the subject site.
14. The Park City Planning Department received the plat amendment application on March 23, 2018; the application was deemed complete on March 29, 2018.
15. 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 lot combinations.
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 Planner, 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. The applicant shall remove the portion of the non-historic concrete garage that encroaches into the City right-of-way and neighboring property at 1121 Norfolk Avenue prior to recordation of the plat amendment.
4. The applicant shall remove the portion of the non-historic concrete retaining walls in the right-of-way and railroad tie retaining walls in the backyard prior to recordation of the plat amendment.
5. The composite staircase that bisects the northwest corner of this lot and owned by the Victorian Village Condominiums shall either be removed or the applicant shall enter into an encroachment agreement with Victorian Village Condominiums for the stairs, prior to recordation of the plat amendment.
6. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the plat
7. Ten foot (10') public snow storage easement shall be granted along the Woodside Avenue right-of-way.

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

PASSED AND ADOPTED this 21st day of June, 2018.

PARK CITY MUNICIPAL CORPORATION



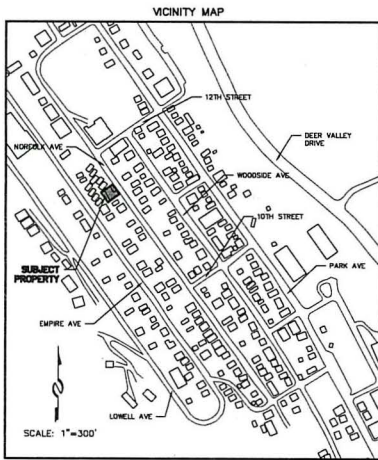

Andy Beerman, MAYOR

ATTEST:


Michelle Kellogg, City Recorder

APPROVED AS TO FORM:


Mark Harrington, City Attorney



SURVEYOR'S CERTIFICATE

I, Charles Galati, do hereby certify that I am a Professional Land Surveyor, and that I hold License No. 7248891, as prescribed under the laws of the State of Utah. I further certify that by authority of the owner, I have made a survey of the tract of land into lots and streets, together with easements, hereafter to be known as 1135 NORFOLK AVENUE PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

LEGAL DESCRIPTION

All of 8 and 9, South 1/2 of Lot 10, Block 17, 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, David R. Emmett and Bobbi Lynn Emmett, Co-Trustees of The 2015 Emmett Family Trust, dated December 16, 2015, hereby certify that they have caused this plat amendment to be made and hereby consent to the recordation of this Plat Amendment.
 ALSO, the owner hereby irrevocably offers for dedication to the City of Park City all the easements shown on this plat in accordance with an irrevocable offer of dedication.

In witness whereof, the undersigned set his hand this ____ day of _____, 2018.
 By: David R. Emmett, Co-Trustee

In witness whereof, the undersigned set her hand this ____ day of _____, 2018.
 By: Bobbi Lynn Emmett, Co-Trustee

ACKNOWLEDGMENT

State of _____
 : ss.
 County of _____

On this ____ day of _____, 2018, David R. Emmett personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that he is the Co-trustee of The 2015 Emmett Family Trust, dated December 16, 2015, and that said document was signed by him on behalf of said Trust by authority of the Trust, and he acknowledged to me that he executed the 1135 NORFOLK AVENUE PLAT AMENDMENT.

A Notary Public commissioned in Utah

Printed Name _____
 Residing in: _____
 My commission expires: _____
 Commission No: _____

ACKNOWLEDGMENT

State of _____
 : ss.
 County of _____

On this ____ day of _____, 2018, Bobbi Lynn Emmett personally appeared before me, whose identity is personally known to me or proven on the basis of satisfactory evidence, and who by me duly sworn/affirmed, did say that she is the Co-trustee of The 2015 Emmett Family Trust, dated December 16, 2015, and that said document was signed by her on behalf of said Trust by authority of the Trust, and she acknowledged to me that she executed the 1135 NORFOLK AVENUE PLAT AMENDMENT.

A Notary Public commissioned in Utah

Printed Name _____
 Residing in: _____
 My commission expires: _____
 Commission No: _____

NOTES

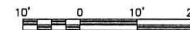
1. This plat amendment is subject to the Conditions of Approval in Ordinance 2018-_____
2. See Record of Survey 5-9102.

FOUND AND ACCEPTED
 HAL & WASHER STAMPED "MONUMENT" ENC.
 ON WOOD WALKWAY
 N75°W 0.16' FROM CALCULATED POSITION

LOT A
 1135 NORFOLK AVENUE
 CONTAINS 4,887.30 SQ. FT.

FOUND AND ACCEPTED 3/8"
 REBAR N 33° E 0.53' OF
 CALCULATED POSITION

- LEGEND**
- ⊙ Found Street Monument (As-noted)
 - Set 3/8" rebar w/cap. "ALLIANCE ENGINEERING"
 - Found Monument (As-noted)



1135 NORFOLK AVENUE PLAT AMENDMENT

A LOT COMBINATION PLAT OF LOTS 8, 9 AND THE SOUTH HALF OF LOT 10,
 BLOCK 17, SNYDER'S ADDITION TO PARK CITY SURVEY
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 16
 TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN
 PARK CITY, SUMMIT COUNTY, UTAH

SHEET 1 OF 1

 (435) 649-8487 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street, P.O. Box 2084, Park City, Utah 84302-2084	SNYDERVILLE BASIN WATER RECLAMATION DISTRICT REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2018 BY _____ S.B.W.R.D.	PLANNING COMMISSION APPROVED BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2018 BY _____ CHAIR	ENGINEER'S CERTIFICATE I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2018 BY _____ PARK CITY ENGINEER	APPROVAL AS TO FORM APPROVED AS TO FORM THIS _____ DAY OF _____, 2018 BY _____ PARK CITY ATTORNEY	COUNCIL APPROVAL AND ACCEPTANCE APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2018 BY _____ MAYOR	CERTIFICATE OF ATTEST I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL THIS _____ DAY OF _____, 2018 BY _____ PARK CITY RECORDER	RECORDED STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____ FEE _____ RECORDER _____ TIME _____ DATE _____ ENTRY NO. _____
	3/1/18 JOB NO.: 10-2-18 FILE: X:\a\o\dwg\er\plat2018\100218.dwg						

1135 NORFOLK AVENUE

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
RECORD OF SURVEY
SUMMIT COUNTY, UTAH



SURVEYOR'S CERTIFICATE

I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold Certificate No. 724889, as prescribed by the laws of the State of Utah. I further certify that a survey of the herein described property has been performed under my direction and that to the best of my knowledge this plot is a correct representation of said survey.

LEGAL DESCRIPTION

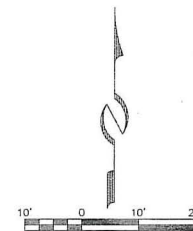
All of Lots 8 and 9, and the south half of Lot 10, Block 17, Snyder's Addition to Park City, Utah, according to the official plat thereof on file and of record in the Summit County Recorder's Office.

NOTES

1. Basis of Bearing for this survey is between the found brass cap street monuments as shown on this plot.
2. Field work for this survey was completed May 9, 2017, and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to locate and monument the boundary in addition to performing an Existing Conditions and Topography survey for the possibility of future improvements to the property.
4. A title report was not provided to the surveyor and no assessments are shown as part of this survey.
5. Recorded deeds, Victorian Village Condominium Plat recorded as Entry No. 235901, 1117 Norfolk Avenue Subdivision Plat recorded as Entry No. 629605, and Mather Condominium Plat recorded as Entry No. 899445, and a Recorded Survey of 1135 Norfolk Ave. performed by this surveyor, all on file and of record with the Summit County Recorder's Office, and physical evidence found in the field were all used to determine the boundary as shown on this plot.
6. Site Benchmark is the top nut of a fire hydrant with an Elevation=6955.79' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were found or set as shown.
9. Record bearings and distances are in parenthesis () when different than measured.

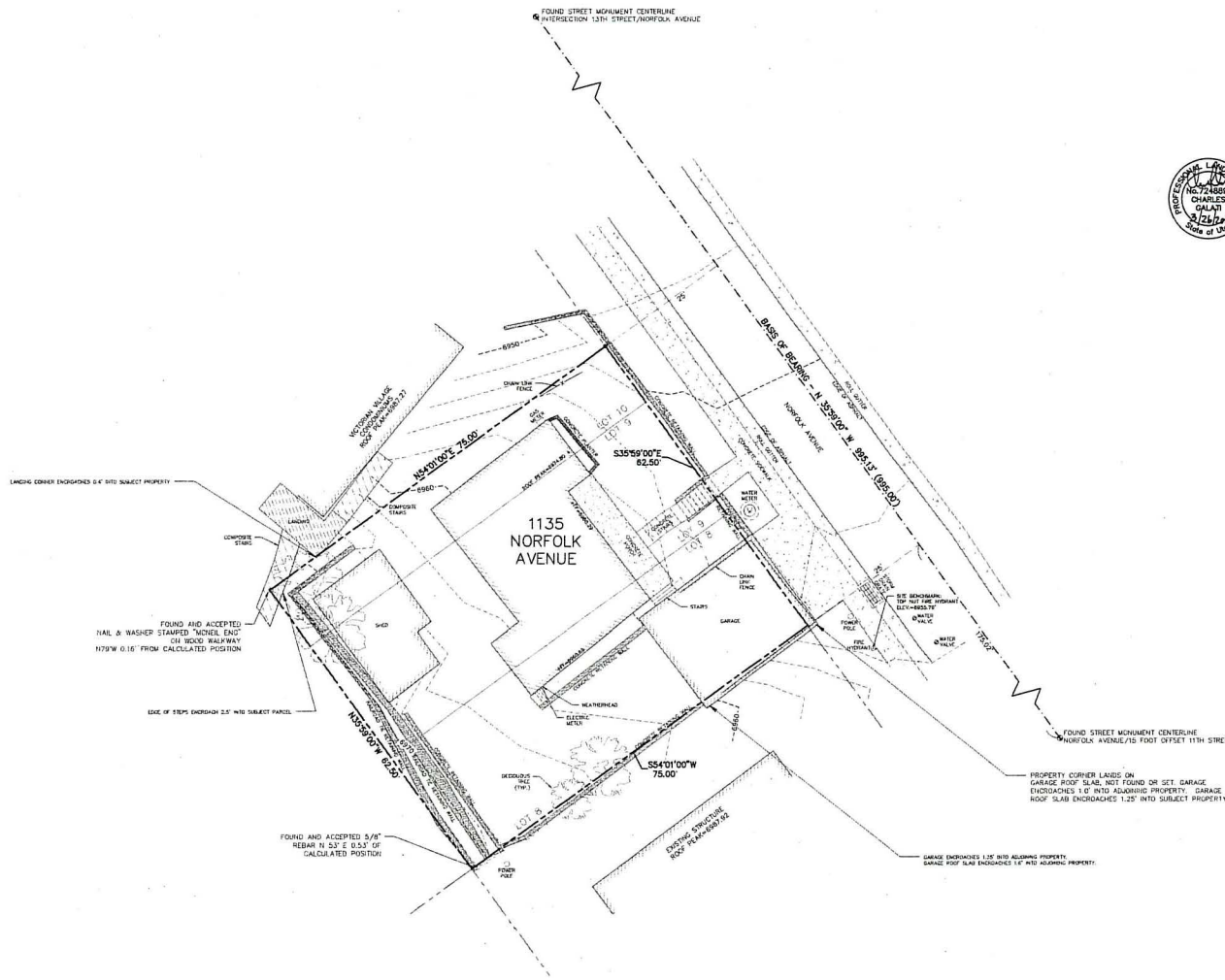
LEGEND

- Set 5/8" rebar w/ cap
ALLIANCE ENR/AS 104491*
(Unless noted otherwise)
- Found Monument
(As-Noted)
- ⊙ Found Street Monument
(As-Noted)



REVISIONS

3/26/18 - SHOW ORIGINAL LOT LINES



<p>(435) 649-8487</p> <p>CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 323 Main Street P.O. Box 2044 Park City, Utah 84060-2044</p>	<p>STAFF: CHARLES GALATI TANSON CHAPMAN STEVE CONANT CHIP TOMASUDAN RYAN BETZ</p>	<p>EXISTING CONDITIONS & TOPOGRAPHIC MAP LOTS 8, 9 & south half of 10, BLOCK 17, SNYDERS ADDITION TO PARK CITY</p>	<p>SHEET 1 OF 1</p>
	<p>DATE: 3/26/18</p>	<p>FOR: JOB NO.: 11-4-17 FILE: X:\SnydersAddition\dwg\srny2017\110417-1135 Norfolk\110417-1135 Norfolk.dwg</p>	



PLANNING DEPARTMENT

Memo to the File

Subject: 1135 Norfolk Avenue Plat Amendment
Address: 1135 Norfolk Avenue
Project#: PL-18-03826
Author: Anya Grahn
Date: 8/23/2018

On August 21, 2018, Marshall King of Alliance Engineering brought to staff's attention that there was a scrivener's error in the title of the ordinance. After further research, staff found:

- The legal notice stated, "Consideration to Approve Ordinance No. 2018-34, an Ordinance Approving the 1135 Norfolk Avenue Plat Amendment, located at 1135 Norfolk Avenue, Park City, Utah (A) Public Hearing (B) Action."
- The motion states, "Council Member Joyce moved to approve Ordinance No. 2018-34, an ordinance approving the 1135 Norfolk Avenue Plat Amendment, located at 1135 Norfolk Avenue, Park City, Utah. Council Member Worel seconded the motion."
- The staff report title states, "1135 Norfolk Avenue Plat Amendment"; however, the title on the ordinance says, "An ordinance approving the Gardner Parcel-First Amended Subdivision located at 1135 Norfolk Avenue, Park City, Utah."
- The ordinance should have read "An ordinance approving the 1135 Norfolk Avenue Plat Amendment located at 1135 Norfolk Avenue, Park City, Utah"

The Gardner Parcel-First Amended refers to a different plat, located at 943-945 Norfolk Avenue.