

Ordinance No. 2019-41

AN ORDINANCE APPROVING THE HULBERT SUBDIVISION LOCATED AT 1503 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the property owners of the property located at 1503 Park Avenue have petitioned the City Council for approval of the Subdivision; and

WHEREAS, on June 10, 2019, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on June 8, 2019, 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 June 26, 2019, to receive input on the Preliminary Subdivision; and

WHEREAS, the Planning Commission, on June 26, 2019, forwarded a positive recommendation, combining the Preliminary and Final Subdivision Plats per the requirements of LMC 15-7.1-3, to the City Council; and,

WHEREAS, on July 18, 2019, the City Council held a public hearing to receive input on the Subdivision; and

WHEREAS, it is in the best interest of Park City, Utah to approve the Hulbert Subdivision, located at the same address.

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

SECTION 1. APPROVAL. The Hulbert Subdivision 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 site is located at 1503 Park Avenue.
2. The site is within the Recreation Commercial (RC) Zoning District.
3. The subject site consists of two metes and bounds parcels.
4. On March 25, 2019, the applicant applied for a Subdivision; the application was deemed complete on March 27, 2019.
5. The proposed Subdivision creates four (4) lots from two metes and bounds parcels, dedicating a portion of one parcel as the 15th Street Right-of-Way.
6. Lot 1 (addressed as 1503 Park Avenue in the Subdivision Plat) includes a Historic Landmark Site.

7. Per [LMC 15-7.1-3](#), at its discretion, the Planning Commission may waive the steps in the Preliminary Plat approval process by allowing the Applicant and/or Developer to combine the requirements of the Preliminary Plat and Final Subdivision Plat into a single submittal.
8. The minimum lot size within the Historic Residential-1 District is 1,875 square feet.
9. The proposed lot sizes are 4,755 square feet (Lot 1), 2,373 square feet (Lots 3, 4, 5).
10. The minimum Setbacks for Lot 1 include:
 - a. Front/Rear – 10 feet. The existing Historic Structure complies with this requirement as it is approximately 33 feet from the front property line and 10 feet from the rear property line. There is an existing deck that is jutting 8.5 feet into the rear setback, but it abides by the setback requirements for the RC Zoning District as it is less than 30" above grade.
 - b. Side – 5 feet (18 feet total combined). The existing Historic Structure complies with this requirement as it is approximately 6.5 feet from the north side property line and 34 feet from the south side property line.
11. The minimum Setbacks for Lot 2 include:
 - a. Front/Rear – 10 feet
 - b. Side – 3 feet
12. The minimum Setbacks for Lot 3 include:
 - a. Front/Rear – 12 feet (25 feet total combined)
 - b. Side – 3 feet
13. The minimum Setbacks for Lot 4 include:
 - a. Front/rear – 10 feet
 - b. Side – 3 feet
14. The minimum lot width within the Recreation Commercial District is twenty five feet (25').
15. The proposed lot widths are 66.01 feet (Lot 1), 32.15 feet (Lot 2), 31 feet (Lot 3), 33 feet (Lot 4).
16. The maximum Building Footprints are 1820.03 (Lot 1), 1038.38 (Lots 2, 3, and 4). The Historic Structure on Lot 1 would be included in this calculation.
17. The maximum height for the RC Zoning District is 27 feet. The Historic Structure on Lot 1 is a single story and complies with this requirement.
18. The proposed Subdivision meets lot and site requirements of the Recreation Commercial District.
19. A Subdivision is necessary in order for the applicant to move forward with an HDDR for the purpose of developing the sites at 1503 Park Avenue. The Subdivision is also necessary for the purpose of developing the Lot 2, Lot 3, and Lot 4 sites.
20. All development shall comply with the applicable LMC Requirements.
21. A Single Family Dwelling is an Allowed Use in the RC Zoning District.
22. There are curb cuts on Lots 1, 2, and 3 on this site that encroach onto the proposed 15th Street Public Right-of-Way. See Condition of Approval no. 3 and 4.
23. There is a mesh fence that encroaches onto Lots 2, 3, and 4. The mesh fence is not Historic. See Condition of Approval no. 3.
24. There are a stone patio, slat wood fence, and stone slab path that encroach between Lots 1 and 2. The applicant will need to remove the portions of the stone

patio, slat wood fence, and stone slab path that cross the property lines of Lots 1 and 2. See Condition of Approval no 3.

25. The Site is not located within the Sensitive Lands Overlay District.
26. The Site is not located within the Soils Ordinance Boundary.
27. On June 10, 2019 the property was posted and notice was mailed to property owners within 300 feet. Legal Notice was also published in the Park Record and Utah Public Notice Website on June 8, 2019 according to the requirements of the Land Management Code.
28. 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 Subdivision.
2. The Subdivision is consistent with the Park City Land Management Code and applicable State law regarding lot subdivisions.
3. Neither the public nor any person will be materially injured by the proposed Subdivision.
4. Approval of the Subdivision, 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 Subdivision Plat for compliance with State law, the Land Management Code, and the conditions of approval, prior to recordation of the Subdivision.
2. The applicant shall record the Subdivision 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 Subdivision 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. Prior to Subdivision Plat recordation, the applicant shall remove the existing encroachments from the City Right-of-Way and any encroachments (or portions thereof) that cross property lines between Lots 1-4. The applicant is responsible of securing appropriate City approvals and permits before any work on the encroachments can begin.
4. The applicant shall either include the curb cuts in the 15th Street Right-of-Way dedication or remove the encroachments prior to Subdivision Plat recordation.
5. Residential fire sprinklers are required for all new construction per requirements of the Chief Building Official, and shall be noted on the Plat.
6. Ten foot (10') public snow storage easement and non-exclusive utility easement shall be granted along the Park Avenue Right-of-Way for Lot 1 (1503 Park Avenue) and along the newly dedicated 15th street public Right-of-Way for Lots 1-4.
7. Any construction within the Frontage Protection Zone (FPZ) shall be regulated by LMC 15-2.20 Frontage Protection Overlay Zone.

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

PASSED AND ADOPTED this 18th day of July, 2019.



PARK CITY MUNICIPAL CORPORATION



Andy Beerman, MAYOR

ATTEST:



Michelle Kellogg, City Recorder

APPROVED AS TO FORM:



Mark Harrington, City Attorney

Attachment 1 – Proposed Subdivision Plat



SURVEYOR'S CERTIFICATE

Charles Gordon, hereby files 1 set of Professional Land Surveyor and one (1) set of this Certificate with the Utah State Office of Survey and Mapping and certifies that the plat herein filed has been prepared and that the same has been measured and that the same are correct and true to the original field notes and plans on which they are based.

LEGAL DESCRIPTION

Parcel 1: Beginning at a point 300 feet north and 1,380 feet east of the Southwest corner of Section 9, Township 2 South, Range 12 East, 35th Meridian, Salt Lake County, Utah; thence South 71°25'40" East 1,380 feet; thence South 1°00'00" East 300 feet; thence South 88°15'30" West 120 feet; thence North 1°00'00" East 300 feet to the point of beginning.

Parcel 2: Beginning at a point 200 feet north and 1,380 feet east of the Southwest corner of Section 9, Township 2 South, Range 12 East, 35th Meridian, Salt Lake County, Utah; thence South 71°25'40" East 1,380 feet; thence South 1°00'00" East 200 feet; thence North 1°00'00" East 200 feet to the point of beginning.

OWNERS' DEDICATION AND CONSENT TO RECORD

ANDREW ALLEN and HENRY PUBLIC, the undersigned, own the above described tract of land, and hereby declare the same to be divided into lots and streets, together with interests in the public to improve and other areas shown on this plat as intended for public use. The undersigned hereby submit this plat to the public domain as shown on this plat for the purpose shown herein.

In witness whereof, the undersigned set their hands this _____ day of _____, 2018.

By: Henry Public
 Henry Public

ACKNOWLEDGMENT

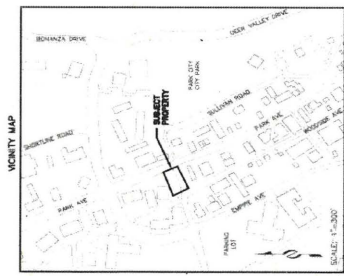
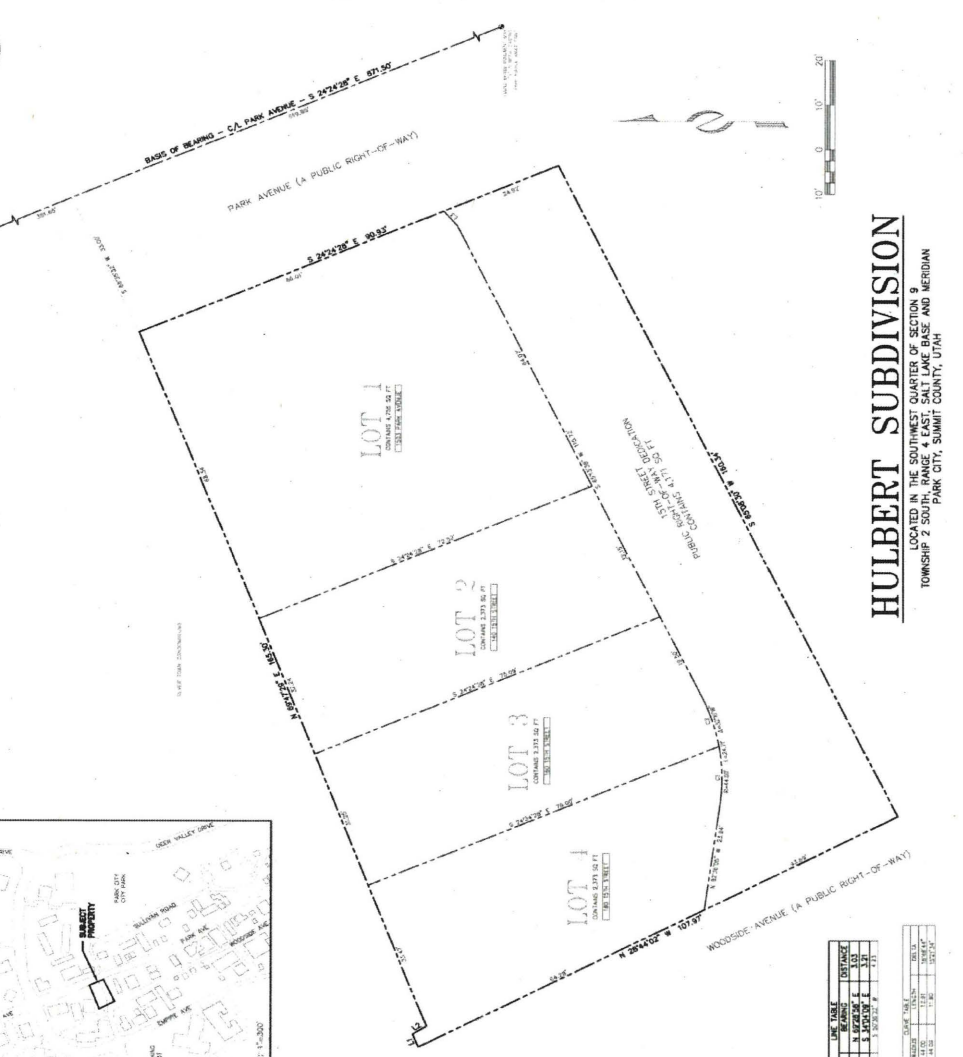
STATE OF UTAH }
 COUNTY OF SUMMIT }
 I, _____,
 Clerk of the County of Summit, do hereby certify that this plat was personally approved and filed in my office on this day of _____, 2018. It is the duty of the County Recorder to record this plat for the purposes shown herein.

By: _____
 My commission expires: _____
 Commission No.: _____

ACKNOWLEDGMENT

STATE OF UTAH }
 COUNTY OF SUMMIT }
 I, _____,
 Clerk of the County of Summit, do hereby certify that this plat was personally approved and filed in my office on this day of _____, 2018. It is the duty of the County Recorder to record this plat for the purposes shown herein.

By: _____
 My commission expires: _____
 Commission No.: _____



RECORDING INFORMATION

STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE OFFICE OF THE COUNTY CLERK, COUNTY OF SUMMIT, UTAH.

DATE OF RECORDING: _____ 2018

BY: _____

CERTIFICATE OF ATTEST

APPROVED AS TO FORM AND CONTENT BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2018.

BY: _____

COUNCIL APPROVAL AND ACCEPTANCE

APPROVED AS TO FORM AND CONTENT BY THE PARK CITY COUNCIL THIS _____ DAY OF _____, 2018.

BY: _____

ENGINEER'S CERTIFICATE

APPROVED AS TO FORM AND CONTENT BY THE PARK CITY ENGINEER THIS _____ DAY OF _____, 2018.

BY: _____

PLANNING COMMISSION

APPROVED AS TO FORM AND CONTENT BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2018.

BY: _____

REVIEWED FOR CONFORMANCE TO SUBDIVISION DISTRICT

REVIEWED FOR CONFORMANCE TO SUBDIVISION DISTRICT BY THE PARK CITY PLANNING COMMISSION THIS _____ DAY OF _____, 2018.

BY: _____

1503 PARK AVENUE

LOCATED IN THE SOUTHWEST QUARTER OF SECTION 9,
TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN
TOPOGRAPHY-EXISTING CONDITIONS
RECORD OF SURVEY
SUMMIT COUNTY, UTAH

SURVEYOR'S CERTIFICATE



I, Charles Galati, certify that I am a Professional Land Surveyor and that I hold License No. 72 as prescribed by the laws of the State of Utah. I further certify that under my direct supervision a survey has been performed on the herein described property and that to the best of my knowledge and belief the same is a correct representation of said survey.

LEGAL DESCRIPTION

Parcel 1:
Beginning at a point 598 North and 1,388 East of the Southwest corner of Section 9, Township 2 S, Range 4 East, Salt Lake Base and Meridian, and running thence North 29°24' West 52 feet; thence S 69°30' West 160 feet; thence South 28°43' East 59.5 feet; thence North 62° East 156 feet to the pt of beginning.

Excepting therefrom the following:
Beginning at a point that is North 578.88 feet and East 1,224.58 feet from the Southwest corner of Section 9, Township 2 South, Range 4 East, Salt Lake Base and Meridian (base of bearing being S_{69°36'30"} E_{156.00} feet from said Southwest corner of Section 9) to the Southeast corner of the Southeast 1/4 of the Southwest quarter of said Section 9), said point also being the Southeast corner of Silver Town Condominiums, as Recorded July 19, 1976, as Entry No. 132627 in the office of the Summit County Recorder; thence North 34°35'00" West 12.87 feet; thence North 69°30'00" East 156.46 feet; thence 29°24'00" East 14.50 feet to a point on the Southern property line of said Silver Town Condominiums thence along said Southern property line South 70°08'43" West 156.56 feet to the point of beginning.

Parcel 2:
Beginning at a point 598 North and 1,388 East from the Southwest corner of Section 9, Township 2 Range 4 East, Salt Lake Base and Meridian, and running thence along the Eastern line of that certain property described in a Deed, entitled "Conveyance and Option", Entry No. 55509, in Book F, at Page of Quit-Claim Deeds in the Summit County Recorder's Office, North 25°24'00" West 48.03 feet; thence North 69°45'15" East 8.84 feet to a point on the Western right-of-way line of Park Avenue, said pt located South 24°24'28" East (Park City monument control map South 24°31'00" East) 251.30 feet a South 65°35'32" West 33.60 feet from the survey monument located at the intersection of Park Ave and Empire Avenue, thence along the Western right-of-way line South 24°24'28" East 91.13 feet, in along the Northern line of that certain Quit-Claim Deed, Entry No. 238494, in Book 353 at Page 66 of the Office of the Summit County Recorder's Office, South 65°08'50" West 9.51 feet, thence along the Northern line of that certain property described in a Deed, entitled "Conveyance and Option", Entry 56281, in Book F, at Page 507 of Quit-Claim Deeds in the Summit County Recorder's office, South 65°08'30" West 150.88 feet; thence North 28°43'00" West 48.72 feet; thence along the Southern line that certain property described in a Deed, entitled "Conveyance and Option", Entry No. 35559 in Book Page 482 of Quit-Claim Deeds in the Summit County Recorder's Office, North 66°54'02" East 156.10 (Deed North 62°00'00" East 156.00) to the point of beginning.

NOTES

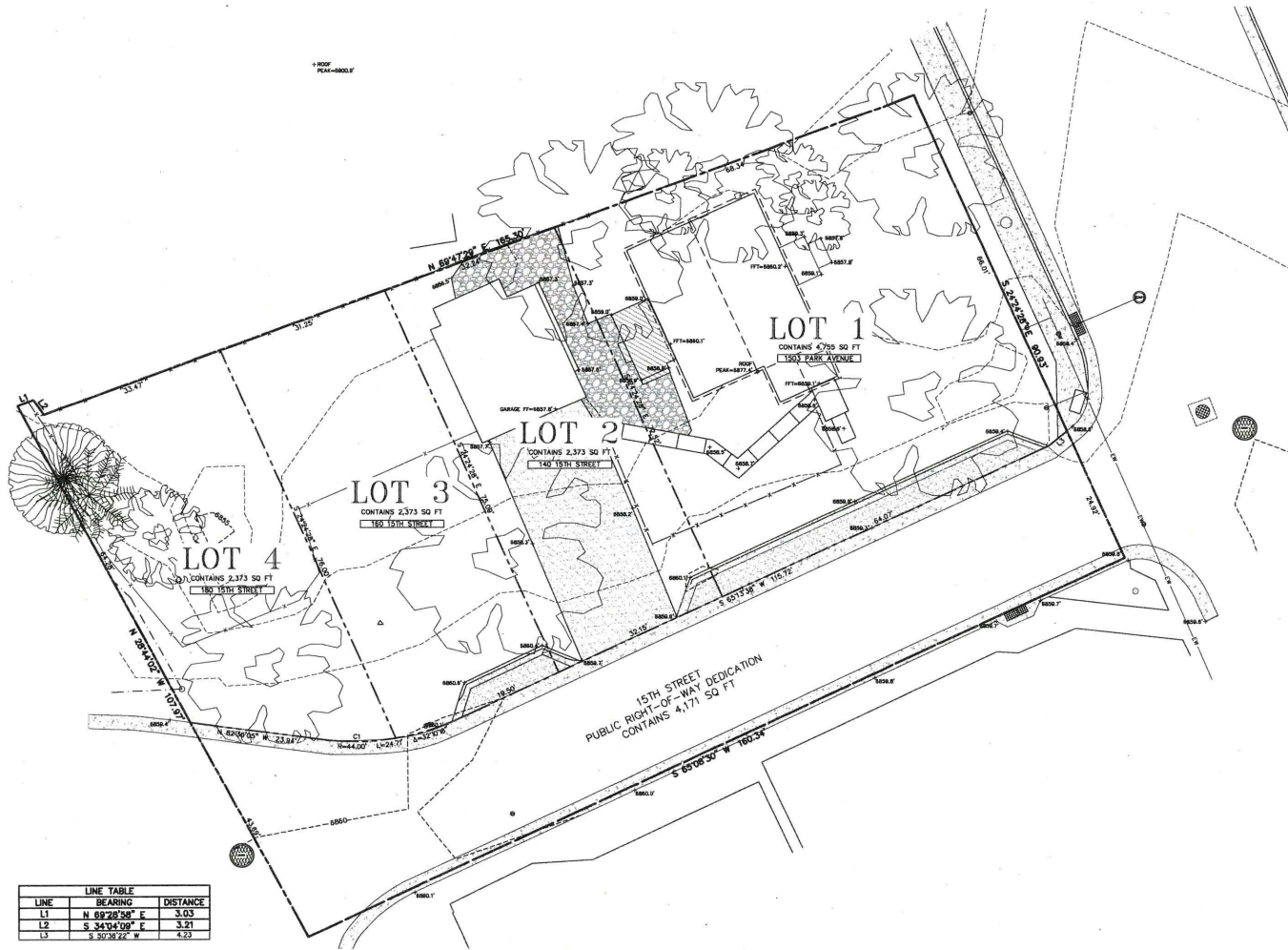
1. Basis of Bearing for this survey is between the found street monuments as shown on this plot.
2. Field work for this survey was completed November 4, 2016, and is in compliance with generally accepted industry standards for accuracy.
3. The purpose of this survey was to perform a Boundary, Existing Conditions and Topography survey for the possibility of future improvements to the property.
4. A Title Report was provided to the surveyor and no encumbrances or setbacks were noted in title report or located as part of this survey. The owner of the property should be aware of any item affecting the property that may appear in a title insurance report. The surveyor found no obvious evidence of encumbrances, encroachments or other items on the property surveyed except as shown hereon.
5. County tax maps, recorded deeds, Moose Lodge at Park City Condominium Entry No. 773026, Moose Lodge at Park City Amended Sheet 1 Condominium Entry No. 806625, Henderson Subdivision Entry No. 752486, Powder Palace Condominiums Amended No. 2 Entry No. 249205, Snowcrest Condominiums Entry No. 841506 and Record of Survey S-2842 (all aforementioned documents on file and of record in the Summit County Recorder's Office), Title Commitment by Metro National Title Commitment Number 60027 dated February 28, 2019 and physical evidence found in the file were used to determine the boundary as shown on this plot.
6. Site Benchmark: Water Valve, Elevation=6858.23' as shown.
7. The architect is responsible for verifying building setbacks, zoning requirements and building heights.
8. Property corners were found as shown.
9. 15th Street has been utilized for more than 20 years as a public thoroughfare, the possibility of a prescriptive easement and/or right of way exists in the area hatched.

LEGEND

- Found Monument (As-noted)
- Found Street Monument (As-noted)
- Found Section monument (As-noted)



<p>(435) 649-9447 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS 222 West Street, P.O. Box 2884, Park City, Utah 84302-2884</p>	STAFF: CHARLES GALATI RYAN BETZ MARTY MORRISON MARSHALL KING CHIP TOMSUWAN	EXISTING CONDITIONS & TOPOGRAPHIC MAP 1503 PARK AVENUE	SHEET 1 OF 1
	DATE: 3/21/19	FOR: DENNIS HULBERT JOB NO.: 13-10-15 FILE: K:\ParkCity\form\dwg\survey\2019\131016-1503 Park\131016-R05.dwg	



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 89°29'36\"	3.03
L2	S 34°14'09\"	3.21
L3	S 50°30'22\"	4.23

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	44.00	13.91	18°58'44\"
C2	44.00	11.80	15°21'54\"

PROPOSED LOT LINE EXHIBIT
HULBERT SUBDIVISION

(435) 648-9487

 CONSULTING ENGINEERS LAND PLANNERS SURVEYORS
 222 Main Street, P.O. Box 2864, Park City, Utah 84302-2864

4/7/18 JOB NO.: 13-10-16 FILE: X:\ParkCityNorth\dwg\sr\plat2016\131016.dwg

RECORDED
 STATE OF UTAH, COUNTY OF SUMMIT, AND FILED
 AT THE REQUEST OF _____
 FEE _____ RECORDER _____
 TIME _____ DATE _____ ENTRY NO. _____