

Ordinance No. 2021-14

AN ORDINANCE APPROVING THE 1203 PARK AVENUE PLAT AMENDMENT
LOCATED AT 1203 PARK AVENUE, PARK CITY, UTAH.

WHEREAS, the owners of the property located at 1203 Park Avenue have petitioned the City Council for approval of the Plat Amendment; and

WHEREAS, on February 10, 2021, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on February 10, 2021, proper legal notice was sent to all affected property owners; and

WHEREAS, the Planning Commission held a public hearing on February 24, 2021, to receive input on Plat Amendment; and

WHEREAS, the Planning Commission, on February 24, 2021, forwarded a positive recommendation to the City Council; and,

WHEREAS, on March 18, 2021, 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 1203 Park Avenue Plat Amendment.

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

SECTION 1. APPROVAL. The 1203 Park Avenue Plat Amendment at 1203 Park Avenue, 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 1203 Park Avenue.
2. The property is in the Historic Residential-Medium (HRM) District.
3. The subject property consists of all of Lot 1 and the south ½ of Lot 2, Block 6, Snyder's Addition to Park City. The proposed Plat Amendment creates one (1) lot of record.
4. Though constructed prior to 1938 and over fifty (50) years old, the Site is not designated as historic on the Park City Historic Sites Inventory (HSI) as it does not meet the criteria for either Landmark or Significant. The house has been significantly altered by non-historic additions that have significantly altered the house's Essential Historical Form and diminished its historic integrity.

5. On December 14, 2014, the City notified the property owner at 1203 Park Avenue via certified mail that the area on his side of the fence was owned by the City and the City would give permission to use this property; however, the owner of 1203 Park Avenue did not have any “permanent right, title, or interest of any kind” vested in the area to the east of the fence as the “City may, at some future date, elect to remove the fence and not have City property on your side of the fence.” The letter indicated that the owner waived any right to compensation for the loss of improvements made to the east side of the fence as this property did not belong to him.
6. On March 24, 2017, the City received a Plat Amendment Application for the 1203 Park Avenue Plat Amendment located at 1203 Park Avenue; the Application was not complete as staff requested the Applicant provide additional required information in order to move forward with processing the Application.
7. On February 20, 2018, the Applicant submitted updated information for the Plat Amendment Application. The Application was complete on March 9, 2018 and approved via Ordinance 2018-26. The Plat Amendment was never recorded with Summit County and the approval has since expired.
8. On December 17, 2020, the Applicant submitted a Plat Amendment Application. The Applicant submitted updated information to City staff on January 25, 2021 and the Application was deemed complete on February 4, 2021.
9. On December 17, 2020, to be reviewed concurrently with this Plat Amendment, the Applicant submitted a Historic District Design Review Application to demolish the existing non-historic Structure and build a new Single-Family Dwelling.
10. The property currently contains 2,812.5 square feet. The property abuts Park Avenue on the east side of the house and 12th Street to the south.
11. The proposed Plat Amendment combines the property into one (1) lot measuring 2,812.5 square feet. The Plat Amendment removes one (1) lot line going through the existing Structure.
12. The existing house was determined in 2018 to be an illegal Duplex as it does not meet the lot size requirements for a Duplex in the HRM zoning district and no evidence was presented with the Application indicating that the Duplex was allowed legally, nor has owner requested a determination that the use was a legal non-conforming use. The Applicant has proposed to demolish the existing Structure and construct a Single-Family Dwelling, via HDDR Application PL-20-04723.
13. The Applicant recorded document entry 1136285 with Summit County on July 9, 2020. This is an agreement that the Site will not be used as a Duplex. The Applicant has confirmed that the existing Structure is no longer being used as a Duplex.
14. A Single-Family Dwelling is an allowed Use in the HRM zoning district and requires a minimum lot size of 1,875 square feet; the lot size complies with this requirement. A Duplex dwelling is an allowed Use in the HRM zoning district and requires a minimum lot size of 3,750 square feet; the lot size does not comply with this requirement.
15. The minimum lot width in the HRM zoning district is 37.5 feet; this lot complies with a lot width of 37.5 feet.
16. The required Front Yard Setback is 10 feet; the existing front yard complies at 15 feet.

17. The required Rear Yard Setback is 10 feet; the existing Rear Yard Setback does not comply at 0 feet as the garage encroaches over the west property line.
18. The required Side Yard Setback is 5 feet (north Lot Line) and 10 feet (ROW facing south Lot Line); the existing Side Yard Setbacks do not comply as the house is 2 feet along the north property line and the garage has a 0 foot setback along the south property line.
19. There are several encroachments on this Site that have been verified by the existing conditions survey. The existing garage and concrete pathways encroach into the 12th Street right-of-way. Along the west property line, a portion of the garage encroaches onto the neighboring City-owned property at 1255 Park Avenue (Park City Library).
20. In 1992, the City constructed the fence in order to prevent cars parked in the Library parking lot from shining lights into the houses to the east.
21. There is no maximum building footprint requirement in the HRM zoning district. Any new construction shall comply with the Land Management Code at the time of Application submittal.
22. All findings within the Analysis section and the recitals above are incorporated herein as findings of fact.

Conclusions of Law:

1. The proposed Plat Amendment has been reviewed for compliance with Land Management Code Chapter [15-2.4](#) and Sections [15-7.1-3\(B\)](#) and [15-12-15\(B\)\(9\)](#).
2. There is good cause for this Plat Amendment as the interior lot lines running through the Structure will be removed, existing encroachments will be resolved as required by Condition of Approval #4, and public snow storage easements will be provided to the City. Further, the Plat Amendment will require the removal of a non-conforming use, the illegal Duplex, allowing the use of the Structure to return to a Single-Family Dwelling.
3. The Plat Amendment is consistent with the Park City Land Management Code and applicable State law regarding lot combinations.
4. Neither the public nor any person will be materially injured by the proposed Plat Amendment.
5. 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. A ten feet (10') wide public snow storage easement shall be dedicated along the Park Avenue and 12th Street frontages of the property on the plat.

4. The property owner shall remove the portions of the c.1974 garage that encroaches into the City-owned property at 1255 Park Avenue along the west elevation as well as the portion of the garage that encroaches onto the 12th Street right-of-way on the south elevation. This shall be completed prior to recordation of the Plat Amendment with the Summit County Recorder's Office.
5. Any new construction shall comply with the Land Management Code at the time of Application submittal. A Duplex Use is not allowed on this Site pending demolition of the existing structures.
6. A note shall be added to the plat stating that residential fire sprinklers will be required for all new construction per requirements of the Chief Building Official.
7. A note shall be added to the plat stating off street parking access will need to be from 12th Street and not Park Avenue.

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

PASSED AND ADOPTED this 18th day of March, 2021.

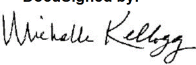
PARK CITY MUNICIPAL CORPORATION

DocuSigned by:


0340104C0C42401...

Andy Beerman, MAYOR

ATTEST:

DocuSigned by:

E5F905BB533F431...

City Recorder



APPROVED AS TO FORM:

DocuSigned by:

B7478B7734C7490...

Mark Harrington, City Attorney

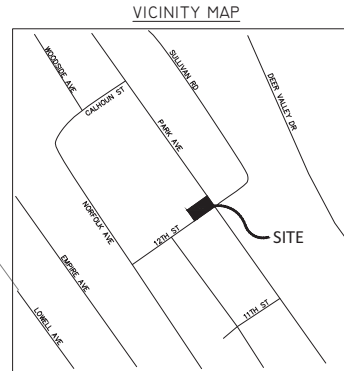
Attachment 1 – Plat

1203 PARK AVENUE PLAT AMENDMENT

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

Attachment 1

| SYMBOL LEGEND | |
|---------------|------------------------------|
| | STREET CENTER LINE |
| | LOT AND BLOCK LINES |
| | LOT LINE TO BE REMOVED |
| | EASEMENT LINE |
| | PROPOSED CORNERS (TO BE SET) |
| | STREET MONUMENT |



SURVEY MONUMENT IN INTERSECTION OF 14TH STREET AND PARK AVENUE

PUGGY HOLMGREN TRUSTEE SA-61-3

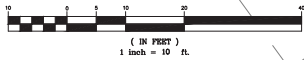
1203 PARK AVENUE
AREA = 2,812 SQ. FT OR 0.065 ACRE
SA-60

PARK CITY MUNICIPAL CORP
CW95-A-X

SURVEY MONUMENT IN INTERSECTION OF 12TH STREET AND PARK AVENUE



GRAPHIC SCALE



PUBLIC SAFETY ANSWERING POINT APPROVAL

APPROVED THIS ____ DAY, OF ____ 20__

MAYOR

ELEMENT LAND SURVEYING • 2296 SOUTH 270 EAST, HEBER CITY UT 84032 • 801-592-5975 & 801-657-8748



SNYDERVILLE BASIN WATER RECLAMATION DISTRICT
REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS.
ON THIS ____ DAY OF ____ 20__

PLANNING COMMISSION
APPROVED BY THE PARK CITY PLANNING COMMISSION
ON THIS 9th DAY OF May 2018.

ENGINEER'S CERTIFICATE
I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE.
ON THIS ____ DAY OF ____ 20__

APPROVAL AS TO FORM
APPROVED AS TO FORM.
ON THIS ____ DAY OF ____ 20__

CERTIFICATE OF ATTEST
I CERTIFY THIS RECORD OF SURVEY MAP WAS APPROVED BY PARK CITY COUNCIL.
ON THIS 31st DAY OF May 2018.

COUNCIL APPROVAL AND ACCEPTANCE
APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL.
ON THIS 31st DAY OF May 2018.

RECORDER
STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF
DATE ____ TIME ____ BOOK ____ PAGE ____
FEE ____
SIGNATURE - SUMMIT COUNTY RECORDER

SURVEYOR'S CERTIFICATE
IN ACCORDANCE WITH SECTION 10-9a-603 OF THE UTAH CODE, I, CHAD A. ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR HOLDING LICENSE NUMBER 7736336 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT.
I FURTHER CERTIFY THAT THIS PLAT AMENDMENT WAS PREPARED BY ME AND UNDER MY DIRECTION IN ACCORDANCE WITH THE REQUIREMENTS OF THE PARK CITY MUNICIPAL CORPORATION.

Chad A. Anderson
CHAD A. ANDERSON
PROFESSIONAL LAND SURVEYOR

01/25/21
DATE

Chad A. Anderson
STATE OF UTAH
01/25/21
SURVEYOR'S SEAL

BOUNDARY DESCRIPTION
ALL OF LOT 1 AND THE SOUTH HALF OF LOT 2, BLOCK 6, SNYDERVILLE 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
KNOW ALL MEN BY THESE PRESENTS THAT REED C. ANDERSON AND AMY K. ANDERSON, HUSBAND AND WIFE AS JOINT TENANTS WITH RIGHT OF SURVIVORSHIP, THE UNDERSIGNED OWNERS OF THE TRACT(S) OF LAND SHOWN TO BE KNOWN HEREAFTER AS 1203 PARK AVENUE PLAT AMENDMENT, HAVE CAUSED THIS PLAT AMENDMENT TO BE PREPARED AND DOES HEREBY CONSENT TO THE RECORDATION OF THIS PLAT AMENDMENT.
IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF ____ 20__

REED C. ANDERSON
IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF ____ 20__

AMY K. ANDERSON

ACKNOWLEDGEMENT
STATE OF ____) S.S.
COUNTY OF ____)
ON THIS ____ DAY OF ____ 20__, PERSONALLY APPEARED BEFORE ME REED C. ANDERSON, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.
MY COMMISSION EXPIRES: ____
SEAL
SIGNATURE - NOTARY PUBLIC
RESIDING IN ____ COUNTY, ____

ACKNOWLEDGEMENT
STATE OF ____) S.S.
COUNTY OF ____)
ON THIS ____ DAY OF ____ 20__, PERSONALLY APPEARED BEFORE ME AMY K. ANDERSON, WHO AFTER BEING DULY SWORN, ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME.
MY COMMISSION EXPIRES: ____
SEAL
SIGNATURE - NOTARY PUBLIC
RESIDING IN ____ COUNTY, ____

NOTES
1. RESIDENTIAL FIRE SPRINKLERS WILL BE REQUIRED FOR ALL NEW CONSTRUCTION PER REQUIREMENTS OF THE CHIEF BUILDING OFFICIAL.
2. THIS PLAT AMENDMENT IS SUBJECT TO THE CONDITIONS OF APPROVAL IN ORDINANCE 2018-26.
3. A PORTION OF THE PROPERTY IS LOCATED IN ZONE AO (DEPTH 2) PER FEMA FLOOD MAP NO. 490138.
4. RESIDENTIAL FIRE SPRINKLERS SHALL BE REQUIRED FOR ALL NEW CONSTRUCTION PER REQUIREMENTS OF THE CHIEF BUILDING OFFICIAL.