

Ordinance No. 2021-24

AN ORDINANCE APPROVING THE PINION PINES SUBDIVISION AT 1115 AND 1117 LOWELL AVENUE, PARK CITY, UTAH

WHEREAS, the owners of property located at 1115 and 1117 Lowell Avenue petitioned the City Council for approval of the Pinion Pines Subdivision; and

WHEREAS, on May 12, 2021, the Planning Commission conducted a duly noticed public hearing, and forwarded a positive recommendation to the City Council; and

WHEREAS, on May 27, 2021, the City Council conducted a duly noticed public hearing; and

WHEREAS, the Pinion Pines Subdivision is consistent with the Park City Land Management Code, including § 15-7.1-3(B), § 15-7.1-6, and Chapters 15-2.2 and 15-7.

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

SECTION 1. APPROVAL. The Pinion Pines Subdivision is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The Pinion Pines Condominium Plat—a two-unit condominium constructed in the 1980s—was recorded with Summit County in 1985 (Recorder Entry No. 234744) for 1115 and 1117 Lowell Avenue.
2. The Applicant proposes terminating the two-unit Pinion Pines Condominium to create two Lots for a Duplex.
3. 1115 and 1117 Lowell Avenue are in the Historic Residential – 1 Zoning District.
4. The Historic Residential – 1 Zoning District requires a 3,750-square-foot Lot minimum for a Duplex. 1115 Lowell Avenue is 4,752 square feet; 1117 Lowell Avenue is 4,873 square feet.
5. The Historic Residential – 1 Zoning District requires a 25-foot Lot width. 1115 Lowell Avenue is 33.82 feet; 1117 Lowell Avenue is 34.93 feet.
6. The Historic Residential – 1 Zoning District establishes a maximum Building Footprint pursuant to this formula: Maximum Building Footprint = (Area/2) x $0.9^{A/1875}$.
7. The maximum Building Footprint for 1115 Lowell Avenue is 1,819 square feet; the Maximum Building Footprint for 1117 Lowell Avenue is 1,852 square feet.
8. The Historic Residential – 1 Zoning District requires Front and Rear Setbacks of 15 feet for Lots with depth over 100 feet.
9. The Lot depth for 1115 & 1117 Lowell Avenue is 140 feet. Front Setbacks for 1115 & 1117 Lowell Avenue are 45 feet; Rear Setbacks comply and any additions must meet at least a 15-foot Rear Setback.

10. The Historic Residential – 1 Zoning District requires a three-foot Side Setback for Lots with a width up to 37.5 feet. 1115 & 1117 Lowell Avenue both have stairs and patios that slightly encroach into the Side Setbacks. LMC Section 15-2.2-3(J)(6) exempts patios and steps not more than 30” in height above Final Grade, not including any required handrails.
11. Side Setbacks between connected Structures are not required where Structures are designed with a common wall on a Property line and the Lots are burdened with a party wall agreement.
12. 1115, 1117, 1155, 1157, 1175, 1177, 1195, and 1197 Lowell Avenue are accessed by Northstar Road, a private ingress, egress, and utilities easement.

Conclusions of Law

1. There is Good Cause for this Plat amendment because the transition from a two-unit condominium to a Duplex alters private restrictions for the properties but does not change the use of the Structure or the applicable land use regulations for the properties.
2. The Plat Amendment is consistent with Land Management Code § 15-7.1-3(B), § 15-7.1-6, and Chapters 15-2.2 and 15-7.
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 shall record the plat at the County within one year from the date of City Council approval. If recordation has not occurred within one year, 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 maximum Building Footprint for 1115 Lowell Avenue is 1,819 square feet; the Maximum Building Footprint for 1117 Lowell Avenue is 1,852 square feet.
4. The Applicant shall ensure the Duplex complies with all applicable Building and Fire Code requirements and shall complete a party wall agreement in a form approved by the City Attorney and Chief Building Official to be recorded on the same date as the amended plat.
5. The plat shall retain the private ingress, egress, and utilities easement.
6. The plat shall be titled Pinion Pines Subdivision, formerly known as the Pinion Pines Condominiums.
7. The Applicant shall enter into a civil agreement to address ownership and maintenance responsibilities of both retaining walls that encroach over the property lines.

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

PASSED AND ADOPTED this 27th Day of May, 2021.


PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

0340104CDC42481...

Andy Beerman, MAYOR




ATTEST:

DocuSigned by:

E5F905BB533F431...

City Recorder

APPROVED AS TO FORM:

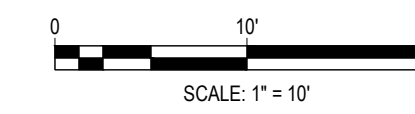
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City Attorney's Office

AMENDED PINION PINES SUBDIVISION

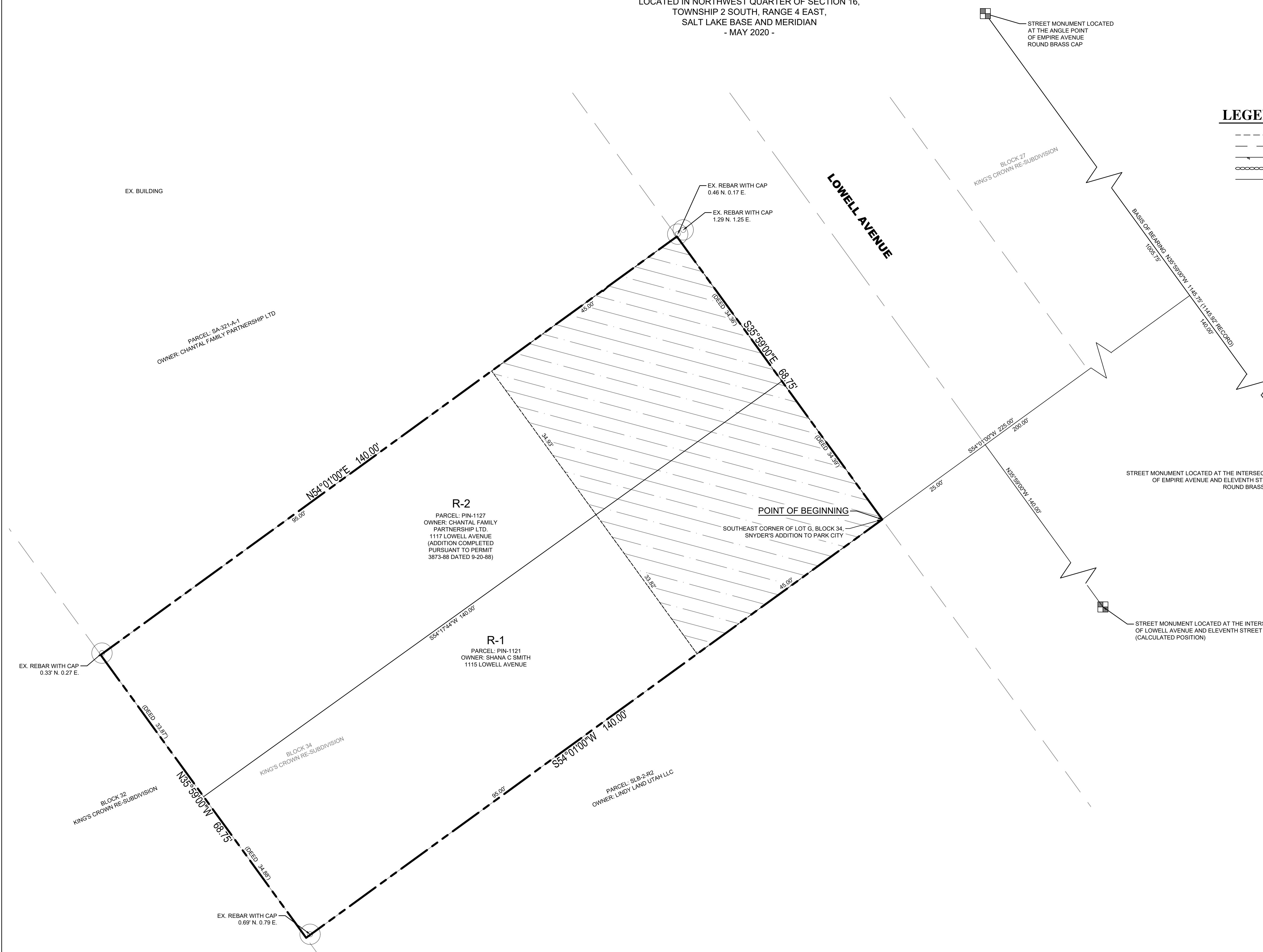
AN AMENDMENT TO THE PINION PINES "R-1" AND "R-2" CONDOMINIUM APARTMENT HOMES

LOCATED IN NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN - MAY 2020 -



LEGEND

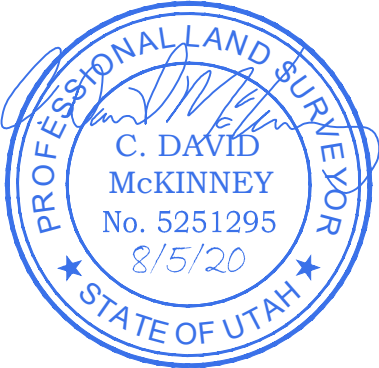
- PROPERTY BOUNDARY
- - - ADJACENT PROPERTY
- - - EX. EDGE OF ASPHALT
- ⊕ EX. RETAINING WALL
- EX. TIE TO MONUMENT
- [Hatched Box] EX. BUILDING
- [Dotted Box] EX. ASPHALT
- [Stippled Box] EX. CONCRETE
- [Diagonal Lines] NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT
- [Square with X] STREET MONUMENT
- [Circle with X] EX. REBAR WITH CAP



SURVEYOR'S CERTIFICATE

I, C. DAVID MCKINNEY DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR, AND THAT I HOLD CERTIFICATE NO. 5251295 AS PRESCRIBED UNDER THE LAWS OF THE STATE OF UTAH. I FURTHER CERTIFY BY AUTHORITY OF THE OWNERS, I HAVE MADE A SURVEY OF SAID TRACT OF LAND SHOWN ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO LOTS AND EASEMENTS TO BE KNOWN AS AMENDED PINION PINES SUBDIVISION AND THAT THE SAME HAS BEEN CORRECTLY SURVEYED AND STAKED ON THE GROUND AS SHOWN ON THIS PLAT AND THAT THIS IS TRUE AND CORRECT.

C. David McKinney
C. DAVID MCKINNEY
LIC. 5251295



BOUNDARY DESCRIPTION

ALL OF LOTS 6, 7, AND THE SOUTH 18.75 FEET OF LOT 8, ALSO ALL OF LOTS 27, 26, AND THE SOUTH 18.75 FEET OF LOT 25, EXCEPTING THEREFROM THE WEST 10.00 FEET OF LOTS 27, 26, 25, BLOCK 34, SNYDERS ADDITIONS TO PARK CITY.

BEGINNING AT THE SOUTHEAST CORNER OF LOT 6, BLOCK 34, SNYDER'S ADDITION TO PARK CITY, LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN, SAID SOUTHEAST CORNER BEING NORTH 35°59' WEST 140.00 FEET AND SOUTH 54°01' WEST 25.00 FEET FROM THE PARK CITY MONUMENT LOCATED AT THE INTERSECTION OF LOWELL AVENUE AND ELEVENTH STREET, AND RUNNING THENCE SOUTH 54°01'00" WEST 140.00 FEET; THENCE NORTH 35°59'00" WEST 68.75 FEET; THENCE NORTH 54°01'00" EAST 140.00 FEET; THENCE SOUTH 35°59'00" EAST 68.75 FEET TO THE POINT OF BEGINNING.

NON-EXCLUSIVE ACCESS AND UTILITY EASEMENT AS RECORDED ON JANUARY 28, 1981 AS ENTRY NO. 175804 IN BOOK 178 ON PAGE 446 AS TO THE FOLLOWING: BEGINNING AT THE MOST EASTERLY CORNER OF LOT 6, SAID SNYDERS ADDITION TO PARK CITY, AND RUNNING THENCE SOUTH 54°01' WEST 45.00 FEET; THENCE NORTH 35°59' WEST 68.75 FEET; THENCE NORTH 54°01'00" EAST 45.00 FEET; THENCE SOUTH 35°59' EAST 68.75 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.22 ACRES.

OWNER'S DEDICATION

KNOW ALL BY THESE PRESENTS THAT _____ THE UNDERSIGNED OWNER(S) OF THE DESCRIBED TRACT OF LAND HEREON, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO LOTS AND EASEMENTS TO HEREAFTER BE KNOWN AS

AMENDED PINION PINES SUBDIVISION

DO HEREBY DEDICATE FOR THE PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE.

IN WITNESS WHEREOF _____ HAVE HEREUNTO SET OUR HANDS THIS ____ DAY OF _____ A.D., 20__.

SHANA C. SMITH
CHANTAL FAMILY PARTNERSHIP LTD
HEIDA L. THURLOW, GENERAL PARTNER

OWNER'S ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF SUMMIT

ON THIS ____ DAY OF _____ OF 20__ A.D., PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SUMMIT IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNER'S DEDICATION WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC
RESIDING IN SUMMIT COUNTY

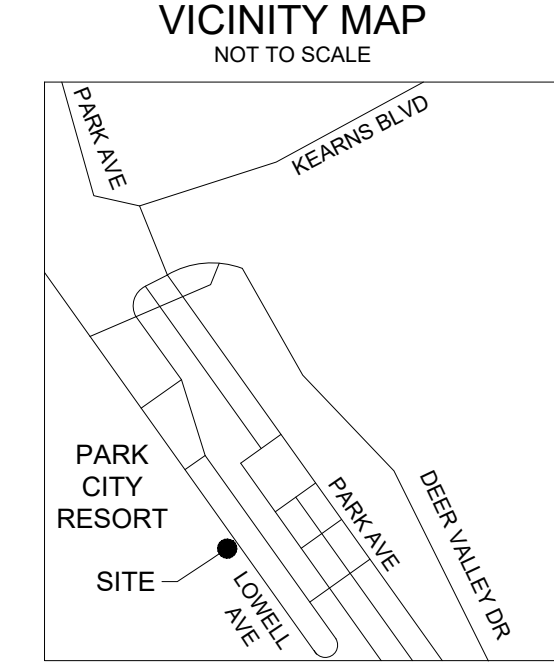
OWNER'S ACKNOWLEDGMENT

STATE OF UTAH } S.S.
COUNTY OF SUMMIT

ON THIS ____ DAY OF _____ OF 20__ A.D., PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR SAID COUNTY OF SUMMIT IN SAID STATE OF UTAH, THE SIGNERS OF THE ABOVE OWNER'S DEDICATION WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC
RESIDING IN SUMMIT COUNTY

DEVELOPED BY:
SHANA C. SMITH
1438 CORCORAN STREET, NW
WASHINGTON, DC 20009
shanacochranesmith@gmail.com
(202)491-7090



PREPARED: MAY 22, 2020

HORROCKS ENGINEERS
2162 West Grove Pkwy., Suite 400
Pleasant Grove, UT 84062
(801) 763-5100

AMENDED PINION PINES SUBDIVISION

AN AMENDMENT TO THE PINION PINES "R-1" AND "R-2" CONDOMINIUM APARTMENT HOMES

LOCATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 2 SOUTH, RANGE 4 EAST, SALT LAKE BASE AND MERIDIAN -MAY 2020-

ROCKY MOUNTAIN POWER
REVIEWED AND ACCEPTED THIS ____ DAY OF ____ A.D., 20__

ROCKY MOUNTAIN POWER REPRESENTATIVE

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

SIGNATURE DATE

SUMMIT COUNTY ASSESSOR
ALL TAXES, INTEREST, AND PENALTIES OWING TO THIS LAND HAVE BEEN PAID ON THIS ____ DAY OF ____ A.D., 20__

SUMMIT COUNTY ASSESSOR

PARK CITY FIRE DISTRICT
REVIEWED AND ACCEPTED THIS ____ DAY OF ____ A.D., 20__

FIRE MARSHALL

SNYDERVILLE BASIN SPECIAL RECREATION DISTRICT
APPROVED AND ACCEPTED THIS ____ DAY OF ____ A.D., 20__

SIGNATURE DATE

DOMINION ENERGY
APPROVED AND ACCEPTED THIS ____ DAY OF ____ A.D., 20__

DOMINION ENERGY REPRESENTATIVE

COUNTY ENGINEER
I, _____ SUMMIT COUNTY ENGINEER HEREBY CERTIFY THAT THIS PLAT HAS BEEN EXAMINED BY THIS OFFICE AND IT IS CORRECT IN ACCORDANCE WITH INFORMATION ON FILE IN THIS OFFICE.

SUMMIT COUNTY ENGINEER

COUNTY ATTORNEY
APPROVED AS TO FORM THIS ____ DAY OF ____ A.D., 20__

SUMMIT COUNTY ATTORNEY

LAND USE AUTHORITY
APPROVED AND ACCEPTED THIS ____ DAY OF ____ A.D., 20__

REPRESENTATIVE

RECORDED # _____ RECORDED
STATE OF UTAH, COUNTY OF SUMMIT, RECORDED AND FILED AT THE REQUEST OF
DATE _____ TIME _____ BOOK _____ PAGE _____
FEE _____ SUMMIT COUNTY RECORDER