

Ordinance No. 2022-10

**AN ORDINANCE APPROVING 1304 PARK AVENUE PLAT AMENDMENT,
LOCATED AT 1304 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the owners of the property located at 1304 Park Avenue petitioned the City Council for approval of the 1304 Park Avenue Plat Amendment; and

WHEREAS, on March 9, 2022 notice was published in the *Park Record* and on the City and Utah Public Notice websites; and

WHEREAS, on March 9, 2022, the property was properly noticed and posted according to the requirements of the Land Management Code; and

WHEREAS, on March 9, 2022 courtesy notice was mailed to property owners within 300 feet of the 1304 Park Avenue; and

WHEREAS, on March 23, 2022, the Planning Commission reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, on March 23, 2022, the Planning Commission forwarded a positive recommendation for City Council's consideration on April 28, 2022; and

WHEREAS, on April 28, 2021, the City Council reviewed the proposed plat amendment and held a public hearing; and

WHEREAS, the plat is consistent with the Park City Land Management Code, including §15-7.1-3(B), § 15-12-15(B)(9), and Chapter 15-7.

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

SECTION 1. APPROVAL. The 1304 Park Avenue Plat Amendment at 1304 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

Background:

1. The property is located at 1304 Park Avenue.
2. The Applicant is proposing to remove an internal block line between Block 24 of Snyder's Addition to Park City Survey and 13th Street.
3. The Northern portion of 1304 Park Avenue is Block 24 of Snyder's Addition to Park City, this Block has no Lots. The Southern portion of 1304 Park Avenue is the 13th Street Right-of-Way.
4. The proposed Plat Amendment converts a metes and bounds parcel into one legal lot of record, which will include 4,125 square feet.

5. The Single-Family home was built in Circa 1885 and is designated as Landmark on the Park City Historic Sites Inventory and listed on the National Register of Historic Places.
6. On February 7, 2022, the Planning Department received a complete Plat Amendment application.
7. All Findings in the Background Section are incorporated herein as findings of fact.

Zoning District:

8. The property is located in the Historic Residential Medium (HRM) Zoning District.

Public Notice Requirements:

9. Staff published notice on the City's website and the Utah Public Notice website, and posted notice to the property on March 9, 2022.
10. Staff mailed courtesy notice to property owners within 300 feet on March 9, 2022.
11. The *Park Record* published notice on March 9, 2022. LMC § [15-1-21](#).

Lot and Site Requirements

12. The proposed Lot complies with the HRM Zoning District Requirements outlined in LMC § 15-2.4.
13. 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 proposed Lot sizes comply with this requirement, containing 4,125 square feet.
14. The minimum Lot width in the HRM Zoning District is 37.50 feet. The proposed Lot complies with this requirement, containing 55 feet.
15. The required Front Setback for Single-Family is 15 ft. Per LMC § [15-2.4-4](#), 1304 Park Avenue is a valid Non-Complying Structure with a front setback of 0 ft.
16. The required Rear Setback is 10 Ft. 1304 Park Avenue complies with a 15 ft. Rear Setback.
17. The required Side Setback is 5 ft. Per LMC § [15-2.4-4](#), 1304 Park Avenue is a valid Non-Complying Structure with Side Setbacks of 3 ft and 5 ft.

Conclusions of Law

1. There is Good Clause for this Plat Amendment.
2. The Plat Amendment is consistent with the Park City Land Management Code, including LMC [Chapter 15-2.4](#) HRM and LMC [§ 15-7.1-6](#) Final Subdivision Plat.

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's 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 fence encroaches at multiple points over the property line into the neighboring Cottages on the Park Subdivision. The applicant shall either remove the existing fence or enter into an encroachment agreement with the neighbor if the fence is to remain in its existing location prior to plat recordation.

4. The existing concrete retaining wall encroaches approximately seven feet into the right-of-way. The applicant shall remove the encroachment of the existing retaining wall prior to recordation of this plat amendment.
5. The existing main building and front porch encroach approximately 1 foot into the right-of-way. The applicant is required to enter into an encroachment agreement for this structure, given the historic designation.
6. The plat shall note that fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.
7. Any changes to the existing Historic Structure and new construction must maintain all requirements of the HRM Zoning District, as well as the *Design Guidelines for Historic Districts and Historic Sites* found in LMC [Chapter 15-13](#).
8. A ten-foot public snow storage easement on Park Avenue shall be noted on the Plat.
9. A five-foot wide public utility easement around Lot A on the 1304 Park Avenue Plat Amendment shall be noted on the Plat.

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

PASSED AND ADOPTED this 28th day of April, 2022.


PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

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Nann Worel, MAYOR

ATTEST:



DocuSigned by:

 E5F905BB533F431...

City Recorder

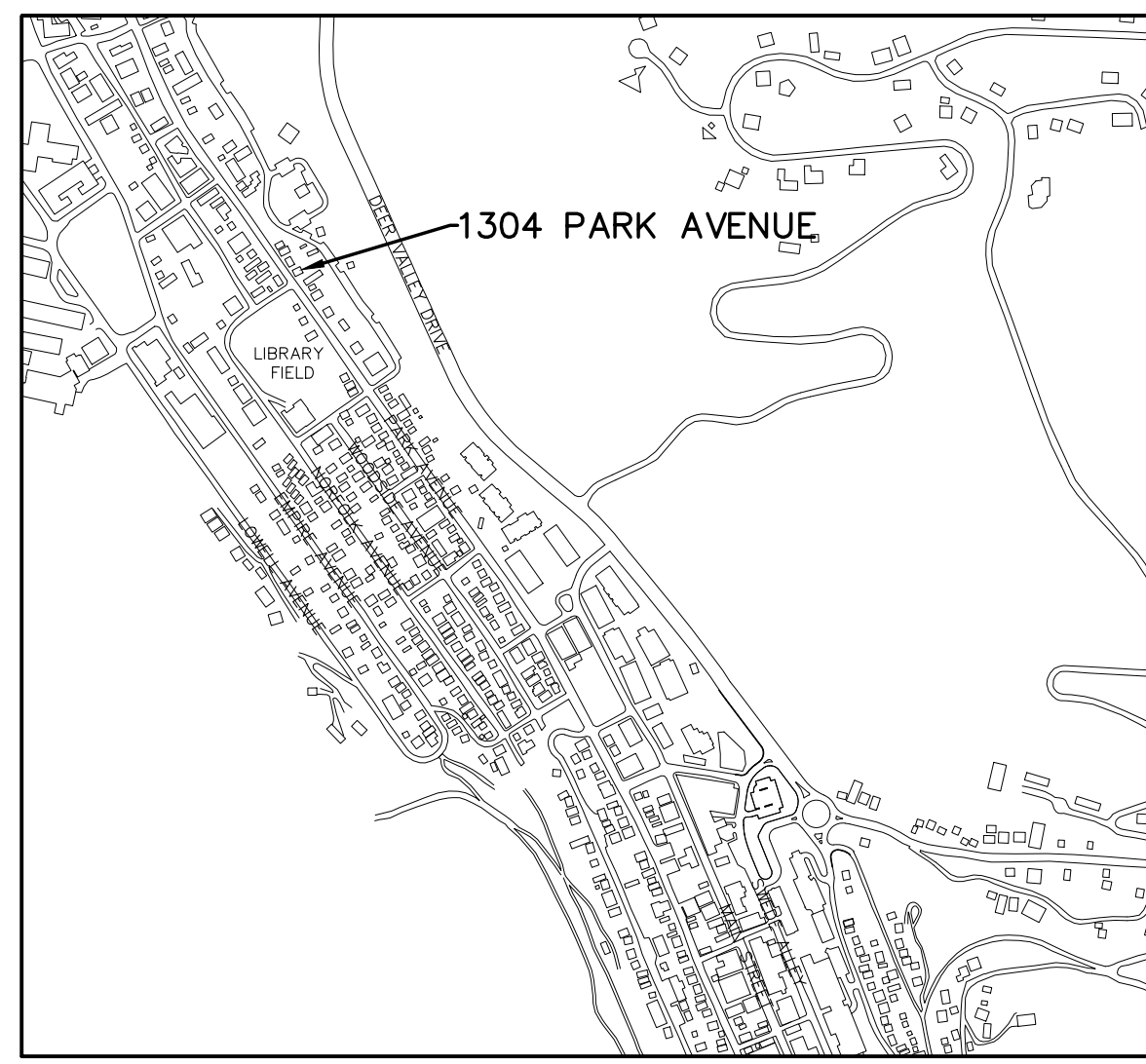
APPROVED AS TO FORM:

DocuSigned by:

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Mark Harrington, City Attorney

Attachment 1 - Plat



VICINITY MAP



SURVEYOR'S CERTIFICATE

I, Michael Demkowicz, do hereby certify that I am a Professional Land Surveyor and that I hold License No. 4857264 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 land shown on this plat and described hereon, and have combined said land into one lot, hereafter to be known as 1304 PARK AVENUE PLAT AMENDMENT and that the same has been correctly surveyed and monumented on the ground as shown on this plat.

DEED DESCRIPTION

Beginning at a point which is 481.00 feet North 54°01' East and 500.00 feet South 35°59' East from the northwest corner of Block 24, Snyders Addition to Park City, Utah; thence South 54°01' West 75.00 feet; thence South 35°59' East 55.00 feet; thence North 54°01' East 75.00 feet; thence North 35°00' West 55.00 feet to the point of beginning.

AS-SURVEYED DESCRIPTION

Beginning at a point which is 481.00 feet North 54°01' East and 500.00 feet South 35°59' East from the northwest corner of Block 24, Snyders Addition to Park City, Utah; thence South 54°01' West 75.00 feet; thence South 35°59' East 55.00 feet; thence North 54°01' East 75.00 feet; thence North 35°59' West 55.00 feet to the point of beginning.

OWNER'S DEDICATION AND CONSENT TO RECORD

KNOW ALL BY THESE PRESENTS that, Maria L. Schuelke and David Schuelke, wife and husband as joint tenants, are the owners of the above described tract of land, and hereby cause the same to be unified into one lot of record, together with easements as set forth to be hereafter known as 1304 PARK AVENUE PLAT AMENDMENT and do hereby dedicate for the perpetual use of the public all roads and other areas shown on this plat as intended for public use. The undersigned owners also hereby convey to any and all public utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for the installation, maintenance and operation of utility lines and facilities. The undersigned owners also hereby convey any other easements as shown on this plat to the parties indicated and for the purposes shown hereon, and hereby certify that they have caused this plat amendment to be made and hereby consent to the recordation of this plat amendment.

In witness whereof, the undersigned set her hand this ____ day of _____, 2022.

By: _____
Maria L. Schuelke

In witness whereof, the undersigned set his hand this ____ day of _____, 2022.

By: _____
David Schuelke

ACKNOWLEDGMENT

State of _____

: ss.

County of _____

On this ____ day of _____, 2022, Maria L. Schuelke 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, that she acknowledged to me that she executed the 1304 PARK AVENUE PLAT AMENDMENT.

A Notary Public commissioned in _____

Printed Name _____

Residing in: _____

My commission expires: _____

Commission No: _____

ACKNOWLEDGMENT

State of _____

: ss.

County of _____

On this ____ day of _____, 2022, David Schuelke 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, that she acknowledged to me that he executed the 1304 PARK AVENUE PLAT AMENDMENT.

A Notary Public commissioned in _____

Printed Name _____

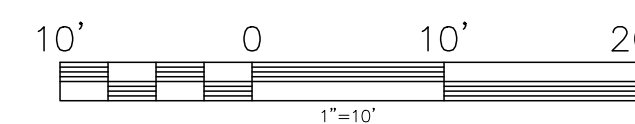
Residing in: _____

My commission expires: _____

Commission No: _____

NOTES

- 1. This plat amendment is subject to the Conditions of Approval in Ordinance 2022-_____.
2. The bearings of blocks in Snyder's Addition to Park City have historically been N 35°59'00" W and previous deeds indicate a bearing of N 35°59'00" W. It is suspected that the minutes portion of the bearings in the current deed were mistakenly changed from 59' to 00'. In addition, Cottages on the Park, recorded November 12, 1999, as Entry No. 552853, which abuts 1304 Park Avenue, indicates a bearing of N 35°59'00" W.



1304 PARK AVENUE PLAT AMENDMENT

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

Alliance Engineering Inc. logo and contact information: (435) 649-9467, 323 Main Street, P.O. Box 2664, Park City, Utah 84060-2664

Table with 8 columns: SNYDERVILLE BASIN WATER RECLAMATION DISTRICT, PLANNING COMMISSION, ENGINEER'S CERTIFICATE, APPROVAL AS TO FORM, COUNCIL APPROVAL AND ACCEPTANCE, CERTIFICATE OF ATTEST, PUBLIC SAFETY ANSWERING POINT APPROVAL, and RECORDED. Each column contains fields for review, approval, and recording details.