

Ordinance No. 2022-38

**AN ORDINANCE APPROVING THE 51 DALY AVENUE PLAT AMENDMENT,
LOCATED AT 51 DALY AVENUE, SUMMIT COUNTY, PARK CITY, UTAH**

WHEREAS, the owner of the property located at 51 Daly Avenue petitioned the City Council for approval of the 51 Daly Avenue Plat Amendment to combine 22.7 feet of Lot 5 and all of Lot 6 of Block 73; and

WHEREAS, on July 27, 2022, the Park Record published notice for the Planning Commission and City Council public hearings; and

WHEREAS, on July 27, 2022, staff mailed courtesy notice to property owners within 300 feet, posted notice to the Utah Public Notice Website and City Website, and posted notice to the property for the Planning Commission and City Council public hearings; and

WHEREAS, on August 10, 2022, the Planning Commission reviewed the proposed Plat Amendment, held a public hearing, and forwarded a positive recommendation to the City Council;

WHEREAS, on September 15, 2022, the City Council reviewed the 51 Daly Avenue Plat Amendment and held a public hearing; and

WHEREAS, the 51 Daly Avenue Plat Amendment is consistent with the Land Management Code § 15-7.1-3(B) 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 51 Daly Avenue Plat Amendment is approved subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

Findings of Fact

1. The plat is located at 51 Daly Avenue within the Historic Residential (HR-1) District.
2. The 51 Daly Avenue Plat Amendment consists of 22.7 feet of Lot 5 and all of Lot 6 of Block 73.
3. On February 28, 2022, the current owner and applicant submitted an application for a Plat Amendment to combine two existing lots into one legal lot of record containing a total of 4,200 square feet.
4. Staff deemed the Plat Amendment application complete on July 12, 2022.
5. The subject parcel is PC-604 (at 51 Daly Avenue).
6. The HR-1 zone requires a minimum lot area of 1,875 square feet for a single-family dwelling. The proposed lot area meets the minimum lot area for a single-family dwelling. The Use of the current structure on the lots is Single Family Dwelling.

7. The minimum lot width allowed in the district is twenty-five feet (25'). The proposed combined lot width is 44.2'. The lot depth is 100'.
8. The minimum side yard setbacks for a 44.2' wide lot is 5 feet. On July 12, 2022, the Board of Adjustment approved a variance from the south side setback from 5 feet to 3.35 feet.
9. The minimum front and rear setbacks for 100' deep lot are 12' and 13' for a total of 25'. On July 12, 2022, the Board of Adjustment approved a variance from the front setback, allowing an existing non-compliant deck to encroach into the setback.
10. The maximum building height for the HR-1 zone is 27'. The current structure is 33'. On July 12, 2022, the Board of Adjustment approved a six foot variance to the height.
11. There are no existing encroachments on the affected parcels.
12. The proposed lot area of 4,420 square feet is a compatible lot combination as the entire Historic Residential-1 District has an abundance of sites with the same or similar dimensions and lot area.
13. The existing Single-Family Dwelling has a footprint of 1,370 square feet.
14. The Board of Adjustments approved a Condition of Approval limiting the building footprint to 1658.53 square feet. The square footage of the lot was previously miscalculated, and therefore, the maximum footprint allowed in the HR-1 zone is 1724 square feet for the proposed lot.
15. As conditioned, the proposed plat amendment does not create any new non-complying or non-conforming situations.

Conclusions of Law

1. There is Good Cause for this Plat Amendment because the combination of the two lots brings a non-complying duplex into compliance as a Single-Family Dwelling, and the structure may be updated and improved.
2. The Plat Amendment is consistent with the Land Management Code.
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's Office, 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 amendment 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 complete application requesting an extension is made in writing prior to the expiration date and an extension is granted by the City Council.

3. No building permit for any work shall be issued until the plat is recorded and until the Historic District Design Review, if required, application is submitted and approved.
4. The property is not located within the Park City Soil Ordinance Boundary and therefore it is not regulated by the City for mine-related impacts. However, if the property owner encounters mine waste or mine waste impacted soils, they must handle the material in accordance with State and Federal law.
5. New construction must comply with Setbacks and Conditions of Approval set by the Board of Adjustment on July 12, 2022 (PL-22-05280).
6. Any construction impacting the exterior of the structure on the property requires a Historic District Design Review through the Planning Department.
7. City Engineer review and approval of all lot grading, utility installations, public improvements, and drainage plans for compliance with City standards for new construction is a condition precedent to building permit issuance.
8. No remnant partial lot resulting from this approval is separately developable without a plat amendment in conformance with applicable zoning at the time of application.
9. A plat note shall indicate that the property is approved for a Single-Family Dwelling and conversion to a Duplex requires a Conditional Use Permit.

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

PASSED AND ADOPTED this 15th day of September, 2022.

PARK CITY MUNICIPAL CORPORATION

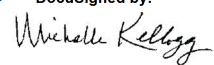
DocuSigned by:

 57775BCB46414F6...

Nann Worel, MAYOR

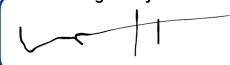


ATTEST:

DocuSigned by:

 E5F905BB533F431...

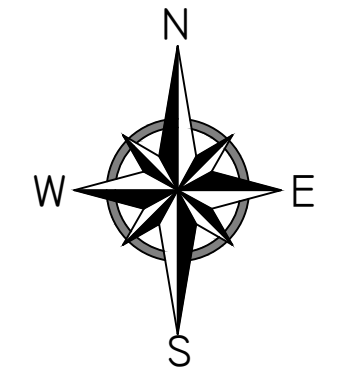
Michelle Kellogg, City Recorder

APPROVED AS TO FORM:

DocuSigned by:

 B7478B7734C7490...

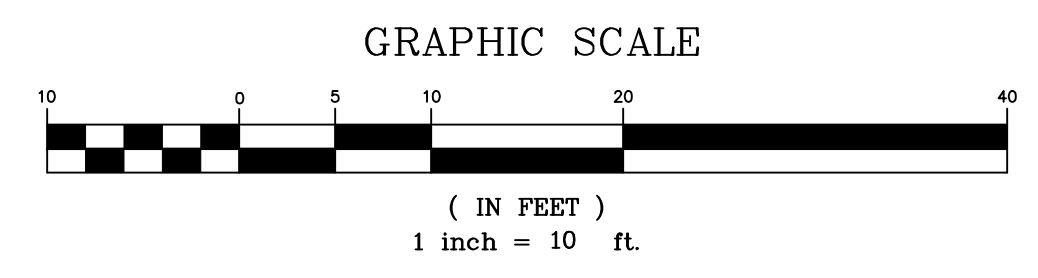
Mark Harrington, City Attorney

SYMBOL LEGEND	
	ADJACENT PROPERTY
	BOUNDARY
	FOUND REBAR WITH CAP



51 DALY PLAT AMENDMENT

A COMBINATION OF LOT 6 AND A PORTION OF LOT 5
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.



PLAT NOTES:
1. A HISTORIC DISTRICT DESIGN REVIEW APPLICATION IS REQUIRED FOR ANY NEW CONSTRUCTION PROPOSED AT THE SITE.

SURVEYOR'S CERTIFICATE
I, CHAD A ANDERSON, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR AND THAT I HOLD LICENSE NO. 7736336 IN ACCORDANCE WITH TITLE 58, CHAPTER 22, OF THE PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS LICENSING ACT. I HEREBY CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT AND DESCRIBED BELOW, AND HAVE SUBDIVIDED SAID TRACT OF LAND INTO 51 DALY PLAT AMENDMENT.

CHAD A ANDERSON _____ DATE _____

BOUNDARY DESCRIPTION
THE SOUTH 22.7 FEET OF LOT 5 AND ALL OF LOT 6, BLOCK 73, MILLSITE RESERVATION TO PARK CITY, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD, IN THE OFFICE OF THE SUMMIT COUNTY RECORDER.

CONTAINING 0.10 ACRE

OWNER'S DEDICATION
KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED OWNERS OF TRACT OF LAND DESCRIBED HEREON AS 51 DALY PLAT AMENDMENT, HAS CAUSED A SURVEY TO BE MADE AND THIS PLAT TO BE PREPARED, SAID OWNER HEREBY DEDICATES FOR THE PERPETUAL USE OF THE PUBLIC ALL ROADS AND OTHER AREAS AS SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE. THE UNDERSIGNED OWNER ALSO HEREBY CONVEYS ANY OTHER EASEMENTS AS SHOWN ON THIS PLAT TO THE PARTIES INDICATED AND FOR THE PURPOSES SHOWN HEREON. I DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PLAT TO BE PREPARED AND I, _____ HEREBY CONSENT TO THE RECORDATION OF THIS PLAT

IN WITNESS WHEREOF THE OWNER HAS SIGNED THIS ____DAY OF _____20____

BY: NAME _____ TITLE _____ PVH DEVELOPERS LLC

ACKNOWLEDGEMENT
STATE OF _____ BY _____
COUNTY OF _____ } s.s.
BY _____

ON THE DATE FIRST ABOVE WRITTEN PERSONALLY APPEARED BEFORE ME, _____, WHO, BEING BY ME DULY SWORN, ACKNOWLEDGED TO ME THAT HE IS THE MANAGER OF PVH DEVELOPERS LLC, A UTAH LIMITED LIABILITY COMPANY, AND THAT THE WITHIN AND FOREGOING INSTRUMENT WAS SIGNED ON BEHALF OF SAID COMPANY BY AUTHORITY OF ITS ARTICLES OF ORGANIZATION, AND SAID _____ ACKNOWLEDGED TO ME THAT SAID COMPANY EXECUTED THE SAME.

MY COMMISSION EXPIRES _____ NOTARY PUBLIC (SEE SEAL BELOW)

PREPARED BY

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

PLANNING COMMISSION
RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THIS 14TH DAY OF APRIL 2021

BY: _____
CHAIR

PUBLIC SAFETY ANSWERING POINT APPROVAL
APPROVED THIS _____ DAY OF _____ 20____

BY: _____
SUMMIT COUNTY GIS COORDINATOR

CITY ENGINEER
I FIND THIS PLAT TO BE IN CONFORMANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____ 20____

PARK CITY ENGINEER

APPROVAL AS TO FORM
APPROVED AS TO FORM ON THIS _____ DAY OF _____ 20____

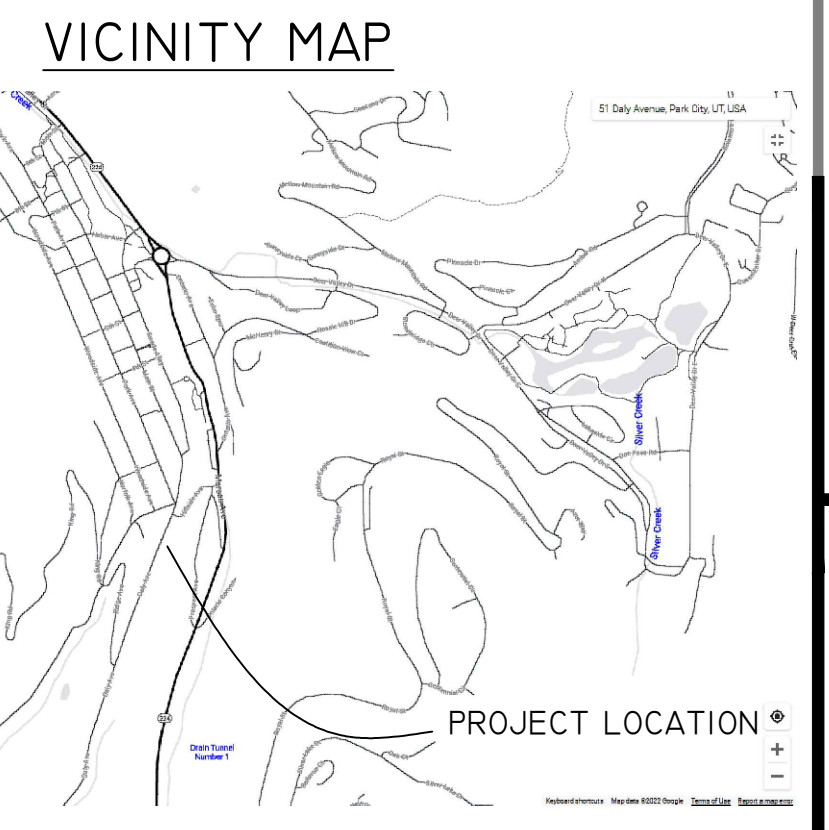
PARK CITY ATTORNEY

CERTIFICATE OF ATTEST
I CERTIFY THIS PLAT MAP WAS APPROVED BY THE PARK CITY COUNCIL THIS _____ DAY OF _____ 20____

PARK CITY RECORDER

COUNCIL APPROVAL AND ACCEPTANCE
APPROVED AND ACCEPTANCE ON THIS 29TH DAY OF APRIL, 2021 BY THE PARK CITY COUNCIL

MAYOR



51 DALY PLAT AMENDMENT
AN COMBINATION OF LOT 6 AND A PORTION OF LOT 5
LOCATED IN THE NORTHEAST QUARTER OF SECTION 21, TOWNSHIP 2 SOUTH, RANGE 4 EAST,
SALT LAKE BASE AND MERIDIAN, PARK CITY, SUMMIT COUNTY, UTAH.

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

FEE: _____

COUNTY RECORDER