

**Ordinance No. 2023-26**

**AN ORDINANCE APPROVING AN EXTENSION OF CITY COUNCIL'S APRIL 28, 2022, APPROVAL OR ORDINANCE NO. 2022-10, AN ORDINANCE APPROVING THE 1304 PARK AVENUE PLAT AMENDMENT, LOCATED AT 1304 PARK AVENUE, PARK CITY, UTAH**

WHEREAS, the Planning Commission held a public hearing on March 23, 2022, to receive input on the 1304 Park Avenue Plat Amendment., Located at 1304 Park Avenue, Park City, Utah; and

WHEREAS, on March 23, 2022, the Planning Commission forwarded a positive recommendation to the City Council to approve the 1304 Park Avenue Plat Amendment according to the Findings of Fact, Conclusions of Law, and Conditions of Approval as stated herein; and

WHEREAS, on April 28, 2022, the City Council held a public hearing to receive input on the Plat Amendment; and

WHEREAS, on April 28, 2022, the City Council approved Ordinance No. 2022-10, An Ordinance Approving the 1304 Park Avenue Plat Amendment, Located at 1304 Park Avenue, Park City, Utah; and

WHEREAS, on March 28, 2023, the property owner of 1304 Park Avenue submitted an application with the Planning Department to request a one-year extension of the City Council's approval of Ordinance No. 2022-10; and

WHEREAS, on May 11, 2023, staff legally noticed the City Council May 25, 2023, public hearing; and

WHEREAS, on May 25, 2023, the City Council reviewed the proposed plat approval extension, held a public hearing, and approved a one-year extension for the 1304 Park Avenue Plat Amendment through May 25, 2024; and

WHEREAS, it is in the best interest of Park City, Utah to approve the extension of the 1304 Park Avenue Plat Amendment through May 25, 2024.

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

**SECTION 1. APPROVAL.** The above recitals are hereby incorporated as Findings of Fact. City Council's April 28, 2022, approval of the 1304 Park Avenue Plat Amendment, Attachment 1, is hereby extended through May 25, 2024, subject to the following Findings of Facts, Conclusions of Law, and Conditions of Approval:

### **Findings of Fact**

1. The property is located at 1304 Park Avenue.
2. The property is within the Historic Residential – Medium Zoning District.
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 in the 13th Street Right-of-Way.
4. The Applicant proposes to remove an internal lot line between Block 24 of Snyder's Addition to Park City Survey and 13th Street.
5. The proposed Plat Amendment converts a metes-and-bounds parcel into one legal Lot of record and will include 4,125 square feet.
6. The Single-Family Structure was built Circa 1885 and is designated as Landmark on the Park City Historic Sites Inventory and listed on the National Register of Historic Places.
7. The proposed Lot complies with the HRM Zoning District Requirements outlined in LMC § 15-2.4-3
8. 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.
9. The minimum Lot width in the HRM Zoning District is 37.50 feet. The proposed Lot complies with this requirement, containing 55 feet.
10. The required Front Setback for Single-Family is 15 feet. Per LMC § 15-2.4-4, 1304 Park Avenue is a valid Non-Complying Structure with a front setback of zero feet.
11. The required Rear Setback is 10 feet. 1304 Park Avenue complies with a 15-foot. Rear Setback.
12. 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.
13. The existing main building and front porch encroach approximately 1 foot into the right-of-way. Condition of Approval 5 of Ordinance No. 2022-10 required the Applicant to enter into an encroachment agreement for this structure, given the historic designation. An encroachment agreement was recorded March 6, 2023, as Entry No. 1201397 in Book 2773 at Page 887 in the Office of the Recorder, Summit County, Utah.
14. On November 22, 2022, the Applicant received approval from the Historic Preservation Board to lift the Historic Structure and for Material Deconstruction to accommodate a basement addition, a new foundation, and a rear addition.
15. Due to the record snowfall this Winter, serious structural problems with the Historic Structure developed and the Applicant requests more time to remove the remaining encroachments (Conditions of Approval 3 and 4 of Ordinance No. 2022-10).
16. Staff published notice on the City's website and the Utah Public Notice website and posted notice to the property on May 11, 2023.
17. Staff mailed courtesy notice to property owners within 300 feet on May 11, 2023.
18. The *Park Record* published notice on May 10, 2023.

### **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 I and LMC § 15-7.1-6 Final Subdivision Plat.
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 with Summit County within one year from the date of City Council approval. If recordation has not occurred within one 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. 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 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.
6. 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.
7. A ten-foot public snow storage easement on Park Avenue shall be noted on the Plat.
8. A five-foot wide public utility easement around Lot A on the 1304 Park Avenue Plat Amendment shall be noted on the Plat.
9. The Applicant shall revise the Historic Preservation Board approval to dated November 22, 2022, and submit to the Planning Department a new Historic Preservation Plan prior to recordation of the Plat.
10. The Applicant shall stabilize the collapsed Structure by June 9, 2023, to the satisfaction of the Chief Building Official.

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

PASSED AND ADOPTED this 25<sup>th</sup> day of May, 2023.

PARK CITY MUNICIPAL CORPORATION

DocuSigned by:

Nann Worel

57775BCB46414F6...

Nann Worel, Mayor



ATTEST:

DocuSigned by:  
*Michelle Kellogg*  
E5F905BB533F431...

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City Recorder

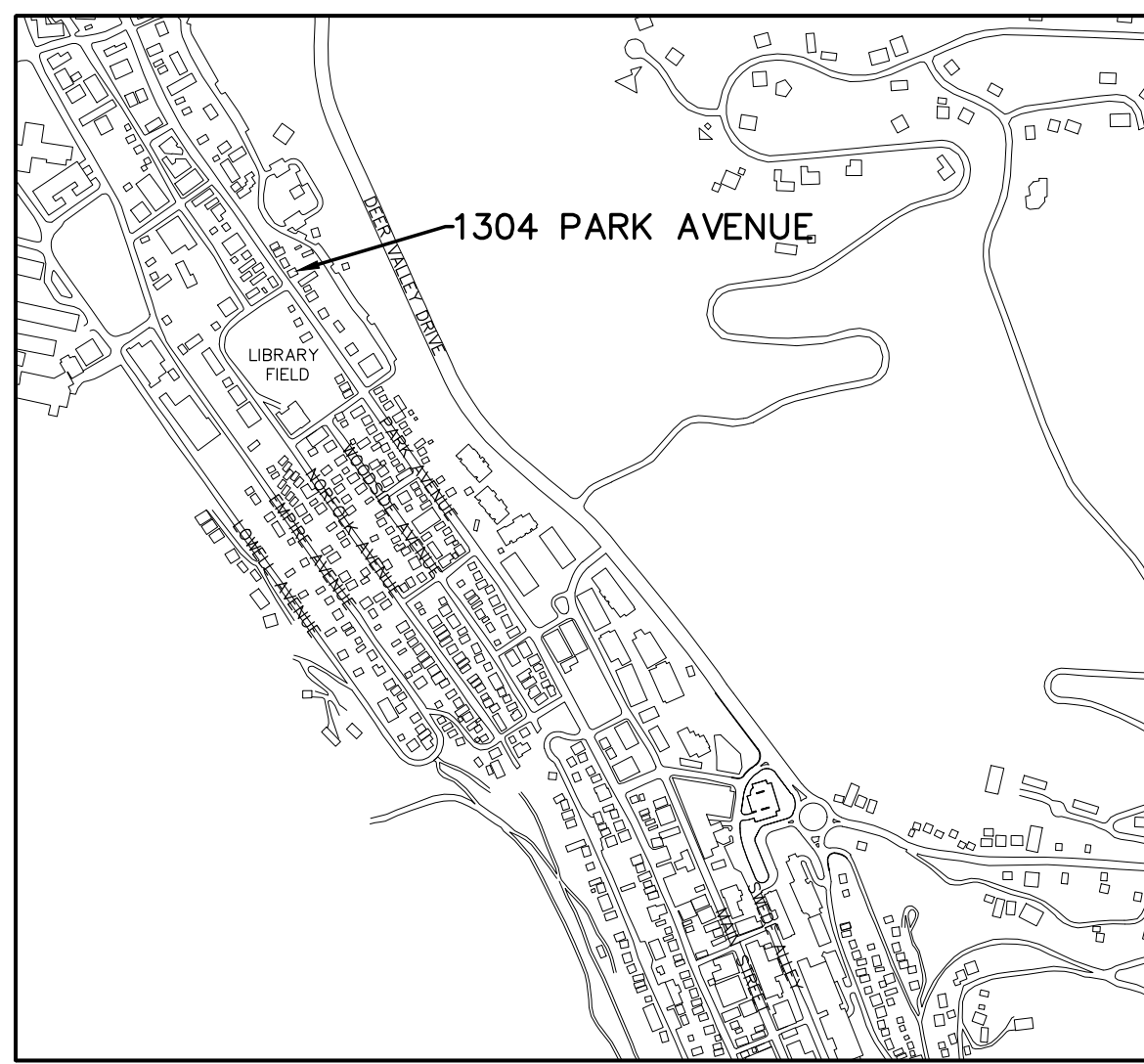
APPROVED AS TO FORM:

DocuSigned by:  
*Mark Harrington*  
B7478B7734C7490

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City Attorney

**Attachment 1 – Proposed 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.

**LEGAL 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 \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
Maria L. Schuelke

In witness whereof, the undersigned set his hand this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
David Schuelke

**ACKNOWLEDGMENT**

State of \_\_\_\_\_

: ss.

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, 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 \_\_\_\_\_, 2023, 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 he acknowledged to me that he executed the 1304 PARK AVENUE PLAT AMENDMENT.

A Notary Public commissioned in \_\_\_\_\_

Printed Name \_\_\_\_\_

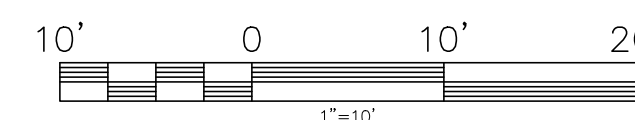
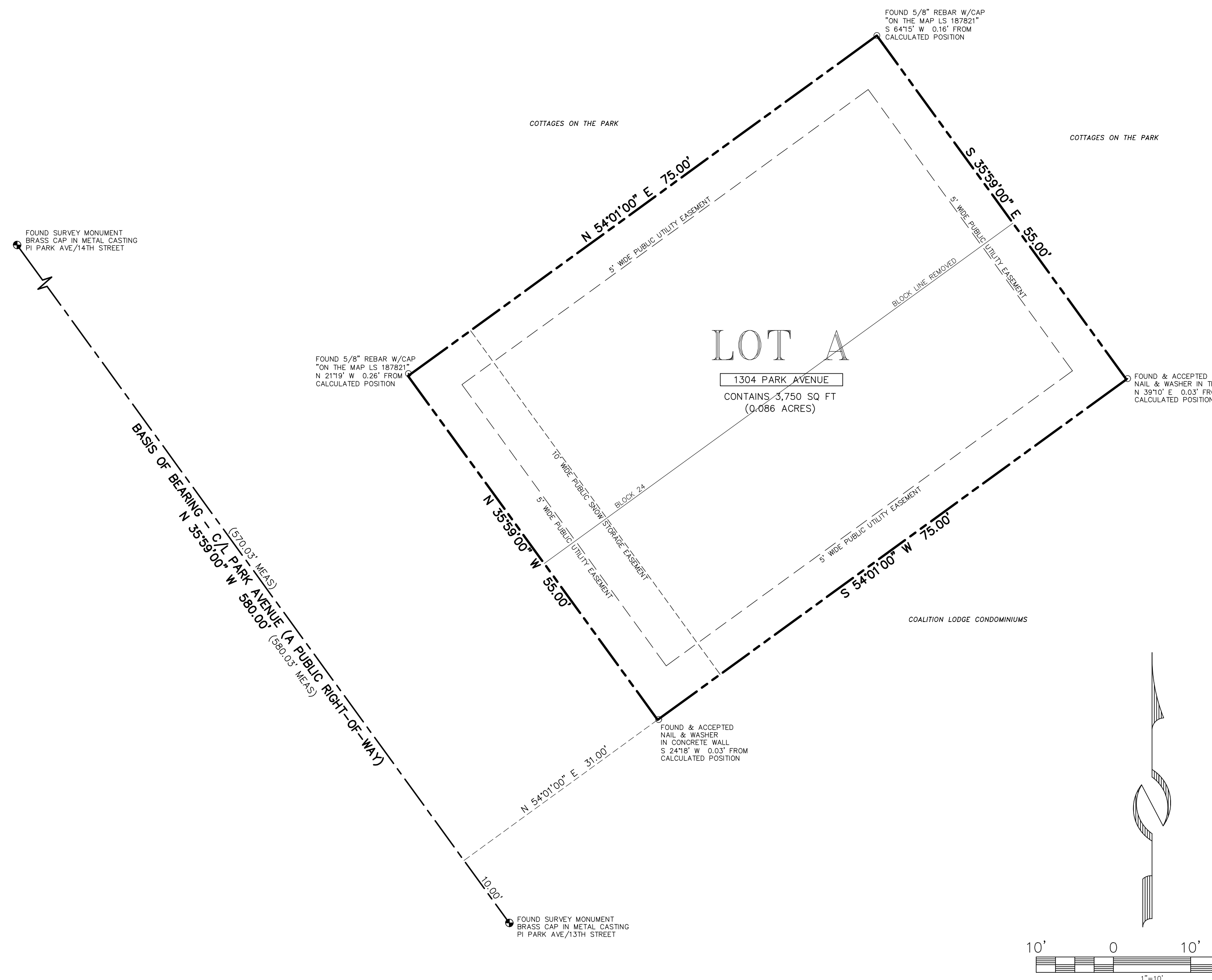
Residing in: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Commission No: \_\_\_\_\_

**NOTES**

- This plat amendment is subject to the Conditions of Approval in Ordinance 2022-10 & 2023-\_\_\_ Ordinance 2023-\_\_\_ is approval for an extension of Ordinance 2022-10.
- 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.
- Fire sprinklers are required for all new or renovation construction on this lot, to be approved by the Chief Building Official.



# 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

(435) 649-9467  
**Alliance Engineering Inc.**  
CONSULTING ENGINEERS LAND PLANNERS SURVEYORS  
323 Main Street P.O. Box 2664 Park City, Utah 84060-2664

<p><b>SNYDERVILLE BASIN WATER RECLAMATION DISTRICT</b></p> <p>REVIEWED FOR CONFORMANCE TO SNYDERVILLE BASIN WATER RECLAMATION DISTRICT STANDARDS ON THIS _____ DAY OF _____, 2023</p> <p>BY _____</p>	<p><b>PLANNING COMMISSION</b></p> <p>RECOMMENDED BY THE PARK CITY PLANNING COMMISSION THE 23RD DAY OF MARCH, 2022</p> <p>BY _____ CHAIR</p>	<p><b>ENGINEER'S CERTIFICATE</b></p> <p>I FIND THIS PLAT TO BE IN ACCORDANCE WITH INFORMATION ON FILE IN MY OFFICE THIS _____ DAY OF _____, 2023</p> <p>BY _____ PARK CITY ENGINEER</p>	<p><b>APPROVAL AS TO FORM</b></p> <p>APPROVED AS TO FORM THIS _____ DAY OF _____, 2023</p> <p>BY _____ PARK CITY ATTORNEY</p>	<p><b>COUNCIL APPROVAL AND ACCEPTANCE</b></p> <p>APPROVAL AND ACCEPTANCE BY THE PARK CITY COUNCIL THE _____ DAY OF _____, 2023</p> <p>BY _____ MAYOR</p>	<p><b>CERTIFICATE OF ATTEST</b></p> <p>I CERTIFY THIS PLAT WAS APPROVED BY PARK CITY COUNCIL THE _____ DAY OF _____, 2023</p> <p>BY _____ PARK CITY RECORDER</p>	<p><b>PUBLIC SAFETY ANSWERING POINT APPROVAL</b></p> <p>APPROVED THIS _____ DAY OF _____, 2023</p> <p>BY _____ SUMMIT COUNTY GIS COORDINATOR</p>	<p><b>RECORDED</b></p> <p>STATE OF UTAH, COUNTY OF SUMMIT, AND FILED AT THE REQUEST OF _____</p> <p>FEE _____ RECORDER _____</p> <p>TIME _____ DATE _____ ENTRY NO. _____</p>
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